

**CITY OF HAYS COMMISSION MEETING
THURSDAY, FEBRUARY 26, 2015 – 6:30 P.M.
AGENDA**

1. Call to order by Chairperson.
2. **MINUTES**: Consider approval of the minutes from the regular meeting held on February 12, 2015. (PAGE 1)
3. **FINANCIAL STATEMENT**: Consider accepting the Financial Statement for the month of January, 2015. (PAGE 11)
4. **CITIZEN COMMENTS**: (non-agenda items).
5. **CONSENT AGENDA**: (Items to be approved by the Commission in one motion, unless objections are raised).
 - A. **Mayoral Appointments for Approval**: Hays Area Planning Commission (PAGE 75)
 - B. **Mayoral Appointment Recommendation**: Sister Cities Advisory Board (PAGE 79)

UNFINISHED BUSINESS

(No business to review)

NEW BUSINESS

6. **LEEVE IMPROVEMENTS – AWARD OF BID**: Authorize the City Manager to execute the contract with JCorp for levee improvements to be funded from the Stormwater Utility Capital Projects line item. (PAGE 81)
7. **LEEVE REPAIRS CONSTRUCTION PHASE ENGINEERING SERVICES AGREEMENT**: Authorize the City Manager to execute the agreement with Penco Engineering, P.A. for levee repairs construction phase engineering services to be funded from the Stormwater Utility Capital Projects line item. (PAGE 89)
8. **ORDINANCE AMENDING CHAPTER 53 – STORMWATER MANAGEMENT**: Consider approving Ordinance No. 3896 amending Chapter 53 of the City of Hays, Kansas, Municipal Code regarding Stormwater Management. (PAGE 101)
9. **13TH STREET RECONSTRUCTION (MAIN TO MILNER) – AWARD OF BID**: Consider authorizing the City Manager to execute the contract with APAC, Kansas, Inc., for the reconstruction of 13th Street (Main to Milner) with funding from Capital Projects, City Commission Reserve, Water/Sewer Capital and the Stormwater Fund. (PAGE 177)

10. **2015 STREET MAINTENANCE PROGRAM – AWARD OF BID (PAGE 199)**
 - A. Consider approving a bid from B&H Paving for chip seal operations to be funded out of Special Highway.
 - B. Consider approving a bid from JCorp for the reconstruction of 12th Street to be funded out of Special Highway.
 - C. Consider approving a bid from Sweeney Pavement Maintenance for polypatch operations to be funded out of Special Highway.
 - D. Consider approving a bid from Stripe and Seal for curb and brick repair to be funded out of Special Highway.
11. **ECONOMIC DEVELOPMENT POLICY – CID POLICY:** Discuss the amended Economic Development Policy. (PAGE 205)
12. **RESOLUTION OPPOSING SENATE BILL 171:** Consider approving Resolution No. 2015-004 opposing the Kansas State Legislature’s consideration of making Municipal elections partisan and moving to the fall of even numbered years. (PAGE 229)
13. **PROGRESS REPORT**
14. **REPORT OF THE CITY MANAGER**
15. **COMMISSION INQUIRIES AND COMMENTS**
16. **EXECUTIVE SESSION (IF REQUIRED)**
17. **ADJOURNMENT**

ANY PERSON WITH A DISABILITY NEEDING SPECIAL ACCOMMODATIONS TO ATTEND THIS MEETING SHOULD CONTACT THE CITY MANAGER'S OFFICE 48 HOURS PRIOR TO THE SCHEDULED MEETING TIME. EVERY ATTEMPT WILL BE MADE TO ACCOMMODATE ANY REQUESTS FOR ASSISTANCE.

MINUTES OF A MEETING
OF THE GOVERNING BODY OF
THE CITY OF HAYS, KANSAS
HELD ON FEBRUARY 12, 2015

1. CALL TO ORDER BY CHAIRMAN: The Governing Body of the City of Hays, Kansas met in regular session on Thursday, February 12, 2015 at 6:30 p.m.

Roll Call: Present: Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick
Kent Steward

Chairperson Schwaller declared that a quorum was present and called the meeting to order.

2. MINUTES: There were no corrections or additions to the minutes of the regular session held on January 8, 2015; the minutes stand approved as presented.

3. FINANCIAL STATEMENT: Finance Director Kim Rupp presented the December, 2014 Financial Report and stated that month-to-date general fund sales tax collections were at \$615,074 which is another nice increase, a total of \$21,013 as compared to last year. Therefore, the year-to-date general fund sales tax collections end the year up \$90,425 or 1.24%. This is great news given the 2014 budgeted general fund tax collections were anticipated to be flat off of a 1% decline of the 2013 projection.

The Finance/City Clerk's Office invested \$2,800,000 of maturing or renewing certificates with a weighted average interest rate of .24%. The portfolio of certificates of deposit on December 31, 2014 totaled \$53,000,000 with a weighted average interest rate of .25%. The total balance of the Money Market account on December 31, 2014 was \$600,000 with a current yield of .20%. Total investments are up \$850,000 when compared to this time last year.

Ron Mellick moved, Shaun Musil seconded, that the Financial Statement for the month of December 2014 be approved.

Vote: Ayes: Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick
Kent Steward

4. CITIZEN COMMENTS: There were no comments.

5. CONSENT AGENDA: Chairperson Schwaller presented the following mayoral appointments, which will be presented at the February 26, 2015 Commission meeting for approval:

Hays Area Planning Commission – three year terms

Robert Readle – unexpired term to expire April 30, 2017

Darrell Hamlin – unexpired term to expire April 30, 2017

NEW BUSINESS

6. Z M M DEVELOPMENT ADDITION – REZONING OF LOTS 7-20 (R-1 TO R-3): The owners of Lots 7-20, Z M M Development Addition, have submitted a request asking that the property be rezoned from single-family dwelling district R-1 to two-family dwelling district R-3. A public hearing was conducted on January 19, 2015 at the regular meeting of the Hays Area Planning Commission and it was recommended by a vote of 7-1 that the rezoning be approved. The zoning change from R-1 to R-3 would allow for duplex dwelling units to be constructed, as well as single-family homes. Staff, as well as the Planning Commission, recommends approving an ordinance rezoning Lots 7-20, Z M M Development Addition from R-1 single-family dwelling district to R-3 two-family dwelling district.

This property is bordered by West 33rd Street, West 35th Street, Elm Street, and Canal Blvd. This property has been in its current vacant state as

open space for years. When originally platted in 1974, the property was set aside for a school site and was owned by the school district prior to the sale this past year. The adjacent properties have similar or more intense multi-family zoning districts as what is being requested.

Ron Mellick moved, Kent Steward seconded, to approve Ordinance No. 3895 rezoning Lots 7-20, Z M M Development Addition, from R-1 to R-3 as legally described within the ordinance.

Jennifer Wittman, an area resident, presented the following letter to the Commissioners along with an un-official petition containing 249 signatures expressing their opposition to the rezoning of the proposed Z M M Development Addition.

February 12, 2015

Jennifer Wittman
3301 Elm Street
Hays, KS 67601

FEB 14 2015

Hays City Commissioners
1507 Main Street
Hays, KS 67601

Dear City of Hays Commissioners,

Please find attached the signatures of 249 individuals of the City of Hays that have expressed their opposition to the rezoning of the proposed ZMM Development Addition. Our neighborhood citizens have come together to ask of you to leave the zoning as is, R-1 Single-Family Dwelling District. There is a clear voice with a clear message that we are shouting.

February 6th through 11th we acquired the signatures of the people in our neighborhood area. Property owners next to the ZMM Development, the extended neighborhood, and Seven Hills Park were petitioned.

Out of the 34 property owners that had property within 200 feet of the subject property and received the publication notice, 22 were able to be reached and signed the petition. There was tremendous concern expressed about property values, increased traffic, reckless traffic, college kids moving into the duplexes, and the decline/mismanagement of the duplexes over time.

Households from West 36th Street to West 27th Street and Hall Street to Hillcrest Drive were visited. Very few turned away the petition, most were very welcome to see the issue being protested, and some were very alarmed because they had no idea what was going on. The same concerns were reiterated.

Lastly, we collected signatures from families that use Seven Hills Park and many expressed worry for the increased traffic so close to the park. Another issue brought up that has not yet been touched upon at the meetings was the sheer amount of "unknown faces" living so close to the vicinity of our kids and the constant turnover with more "unknown faces". Where as permanent neighbors in single family homes can establish a sense of accountability and trust within the neighborhood.

Along with our petition, please take into consideration all of the emails and letters that you have been receiving. We ask you to please honor our wishes, for we are a strong neighborhood, and we who live here can attest to what it needs most.

Sincerely,

Jennifer Wittman

Several other area residents voiced their concerns with possible decreasing property values, increased traffic, and safety issues.

Commissioner Phelps gave several examples of property that had risen in value over the years despite being located close to multi-family units.

Commissioner Steward stated he understands the interest of the neighbors to leave the property as it is, he also sees the benefits to the city as a whole to allow this property to be developed. He also is considering the owners of the property and what they have presented is in total conformity to the neighborhood and what they have proposed is reasonable.

Commissioner Mellick asked how many of those in the audience would be here voicing their concerns if a school was built on this lot as was originally intended. He stated the change to R-3 two-family dwelling district will have less of an impact on traffic and parking issues than if a school had been built there.

Commissioner Musil asked what the City will do to ensure traffic safety in the area.

City Manager Toby Dougherty responded the City conducts traffic counts year round and would monitor the area. He thought the traffic increase on 33rd Street would be minimal. He also stated there wasn't enough volume at the site to justify a stop light.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

7. Z M M DEVELOPMENT ADDITION – FINAL PLAT: The owners of the proposed Z M M Development Addition have submitted a final plat for consideration. The property is adjacent to previously platted property and has become an island of undeveloped property. The plat is comprised of 26 lots slated for residential development and does include dedication of street and alley right-of-way. Staff has reviewed the proposed plat which has also been reviewed by the Utility Advisory Committee. On November 17, 2014 the final plat was

reviewed and approved with a vote of 5-0 by the Hays Area Planning Commission. Staff, as well as the Planning Commission, recommends approving the resolution accepting this plat of the Z M M Development Addition as submitted.

Ron Mellick moved, Eber Phelps seconded, to approve Resolution No. 2015-002 accepting the final plat known as Z M M Development Addition.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

8. TALLGRASS ADDITION PHASE 5 – RESOLUTION TO ESTABLISH BENEFIT DISTRICT (17TH STREET, TALLGRASS DRIVE AND PRAIRIE RUN COURT):

TG Investments, LLC has petitioned for street, storm sewer, water, and sanitary sewer improvements to an area containing 33 lots in the Tallgrass Addition to be financed through the establishment of a special benefit district. The engineer's estimate for total construction costs is \$1,055,000. In accordance with the City's Development Policy, the City's estimated share of the cost for oversizing would be \$104,000; however, staff is recommending that 17th Street and Tallgrass Drive be built to only 40' width rather than the 45' width. That reduction in width would reduce the City share by approximately \$40,000. The cost to oversize the sanitary sewer would be funded out of Water/Sewer Capital. It is recommended the actual cost to oversize the street be funded out of City Commission Capital Reserve. Staff recommends adopting the resolution authorizing the creation of a special benefit district with 17th Street and Tallgrass drive constructed at 40' width.

Shaun Musil moved, Ron Mellick seconded, to approve Resolution No. 2015-003 authorizing the creation of a special benefit district for infrastructure improvements for the development of 33 lots along East 17th Street, Tallgrass Drive, and Prairie Run Court within Tallgrass Addition with 17th Street and Tallgrass Drive constructed at 40' width.

Vote: Ayes: Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick
Kent Steward

9. TALLGRASS ADDITION PHASE 5 – ENGINEERING SERVICES AGREEMENT (17TH STREET, TALLGRASS DRIVE AND PRAIRIE RUN

COURT): TG Investments, LLC has petitioned for street, storm sewer, water, and sanitary sewer improvements to an area containing 33 lots in the Tallgrass Addition. The developer’s engineer, Baughman Company, P.A., has prepared an agreement for engineering services to include engineering design and contractor solicitation. The agreement is for a not-to-exceed amount of \$58,000.

Eber Phelps moved, Shaun Musil seconded, to approve the Engineering Services Agreement with Baughman Company, P.A. for an amount not to exceed \$58,000 for the design of Phase 5 of the Tallgrass Addition.

Vote: Ayes: Henry Schwaller IV
Eber Phelps
Shaun Musil
Ron Mellick
Kent Steward

10. FORT HAYS MUNICIPAL GOLF COURSE RENTAL GOLF CART SHED – AWARD OF BID:

On September 9, 2014 the city-owned rental cart storage building was destroyed by a major storm. This building is essential to the golf cart rental program and Golf Course Pro Shop Manager. City staff recommends reconstructing the facility at an expected cost of \$49,880 which includes a low bid from Quality Structures Incorporated and separate concrete and electrical costs.

City staff recommends the following funding sources:

Insurance	\$16,837
Recoverable Depreciation	\$ 4,140
Golf Course General Fund	\$10,000
City Manager Contingency	\$10,000
Special Parks and Rec Fund	<u>\$ 8,903</u>
Total	\$49,880

Kent Steward moved, Eber Phelps seconded, to approve the replacement of the golf cart shed for \$49,880 which includes a low bid from Quality Structures Incorporated for \$35,980 with funding from the Park Improvement and Special Parks and Recreation funds.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

11. UTILITIES MAINTENANCE FACILITY – AWARD OF BID: The Utilities Department is requesting approval to construct a maintenance facility to store weather sensitive vehicles and maintenance equipment. Currently, this equipment is stored in the Public Works buildings and when removed will give Public Works much needed space. Staff recommends constructing the facility at an expected cost of \$300,000 which contains a low bid from Haselhorst Construction and separate site work including sidewalks, gravel and stormwater drainage to be completed in-house. A new maintenance facility has been planned for many years. However, remediation of the prioritized site located just south of the Water Plant stalled further development until now. The City has a 30 year lease on the site from DOW Chemical Company that ends in December 2038 which includes an option to purchase at the end of the lease or upon achievement of the contamination cleanup. The purchase option allows City staff to feel comfortable with building on a lease with 25 years remaining.

The Utility Department Director and staff have offices in the plant which makes this nearby location ideal for management and security.

Eber Phelps moved, Shaun Musil seconded, to approve the construction of a Utilities maintenance facility for \$300,000 which includes a low bid from Haselhorst Construction of Hays with alternates for \$285,700 and rock drive/sidewalk improvements from the Water/Sewer Capital Fund.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

12. REPORT OF THE CITY MANAGER: The City Manager had no additional items to report on.

13. COMMISSION INQUIRIES AND COMMENTS: Commissioner Phelps commented that he and Commissioner Musil participated in the last water conservation program in the elementary schools and complimented Jason Riegel, Water Conservation Specialist, on a good job educating the students about water conservation. He also commended Mayor Henry Schwaller IV on his participation in the Soup'r Bowl, the annual fund raising event for the Humane Society of the High Plains, and congratulated the Police Department for taking third place in the competition.

14. EXECUTIVE SESSION: Ron Mellick moved, Shaun Musil seconded, that the Governing Body recess to executive session at 8:05 p.m. for 20 minutes to discuss personnel matters. The executive session included only the members of the Commission. K.S.A. 75-4319 authorizes the use of executive session to discuss the topics stated in the motion.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

No action was taken during executive session.

The meeting was adjourned at 8:25 p.m.

Submitted by: _____

Brenda Kitchen – City Clerk

Memo

DATE: February 19, 2015
TO: Toby Dougherty, City Manager
CC: Paul Briseno, Asst City Manager
FROM: Kim Rupp, Finance Director
RE: January 2015 Monthly Financial

The attached report contains the financial summaries of the revenue and expenditure activities of the City of Hays for the month ended January 31, 2015.

Period to Date Financial Performance

Revenues in January totaled \$5,272,386 an increase of \$91,343 compared to the same period as last year.

- Notable areas of increased revenue compared to January 2014
 - Transient Guest Tax for the CVB rebounded from a year ago up \$52,459
 - The Parks Improvement fund received a donation match of \$40,000 from the Kiwanis Club in Hays increasing that line over a year ago.
- Notable areas of revenue decrease compared to January 2014
 - Court fines fell \$11,400 as compared to this time last year.
 - Due to a tax collection submission error in the Home Depot TDD, those revenues were down \$12,200 when compared to last year. The state is aware of the error and is working to rectify.

Expenditures in January totaled \$1,802,075 which is a decrease of \$65,273 as compared to 2014.

- Notable areas of increased expenditures compared to January 2014
 - New to the 2015 budget is the funding of the Quality of Life outside agencies out of the CVB budget as opposed to the general fund. Therefore that line item is up \$59,130 when compared to 2014.

- The dip in Health Insurance expenditures was short-lived as that line increased \$38,730.
- IT other contractals increased \$35,600 due to the timing of payment of the software maintenance agreements for MUNIS, the City's financial software package.
- Notable areas of decreased expenditures compared to January 2014
 - Economic Development expenditures fell \$26,827 reflecting the split in the 2015 budget of the payment to the DHDC between the general fund and CVB budgets.
 - Quality of Life expenditures dropped \$35,303 due to the funding change as mentioned above. Also, Social Services and Special Alcohol Fund expenditures are down a combined \$112,000 as a payment request has yet to be made by those entities.

MTD general fund sales tax collections were at \$624,116 which is another nice increase a total of \$32,230 as compared to last year. However, this may be slightly scewed given the TDD submission error referenced earlier in this report.

The report of quarter to date (QTD) sales tax collections by industry classification was up \$143,836 or 8.45% with general merchandise stores, sporting goods/hobby and building material leading the way when comparing the top ten sales tax collecting industries for the City of Hays. These top ten now represent 68.67% of the total QTD sales tax distribution.

The Finance/City Clerks office invested \$6,450,000 of maturing or renewing certificates with a weighted average interest rate of .22%. The portfolio of certificates of deposit on January 31, 2015 totaled \$56,250,000 with a weighted average interest rate of .25% as compared to .24% a year ago. The total balance of the Money Market account on January 31, 2015 was \$1,000,000 with a current yield of .20%. Total investments are up \$1,450,000 when compared to this time last year.

FINANCIAL STATEMENT CITY OF HAYS, KANSAS

This Document is for Internal Use and Represents Un-audited Figures

As of January 31, 2015

CASH BALANCE

Total Cash in All Funds	\$57,697,528.26
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STATEMENT OF CREDITS

Checking Accounts with Banks	\$446,028.26
Money Market Accounts	\$1,000,000.00
Investments	\$56,250,000.00
Cash in Office	<u>\$1,500.00</u>
TOTAL	\$57,697,528.26

STATEMENT OF CURRENT OBLIGATIONS

General Obligation Bonds	\$12,500,000.00
Temporary Notes	\$0.00
State Revolving Loan Fund	\$0.00
Revenue Bonds	\$3,390,000.00
Lease Purchase Agreements	<u>\$0.00</u>
	\$15,890,000.00

**CITY OF HAYS
INVESTMENTS AS OF
1/31/2015**

<u>Commerce Bank</u> <u>CD #</u>	<u>Certificates of Deposit</u>	<u>Date Issued</u>	<u>Maturity Date</u>	<u>Interest Rate</u>	<u>Interest at Maturity</u>
901*	1,000,000.00	8/23/2013	2/20/2015	0.21%	3,147.37
746*	1,000,000.00	2/14/2014	5/29/2015	0.19%	2,441.37
28	2,000,000.00	6/6/2013	6/6/2015	0.21%	8,400.00
956*	1,200,000.00	4/7/2014	7/24/2015	0.21%	3,265.64
902*	1,000,000.00	8/23/2013	8/23/2015	0.27%	5,400.00
460	2,000,000.00	6/10/2014	9/4/2015	0.24%	5,930.96
422	750,000.00	9/9/2014	9/9/2015	0.25%	1,875.00
465	2,500,000.00	6/12/2014	9/18/2015	0.20%	6,342.47
304	1,000,000.00	9/14/2014	12/14/2015	0.25%	3,123.29
676	1,000,000.00	10/19/2014	1/19/2016	0.25%	3,130.14
803	1,000,000.00	11/20/2014	1/20/2016	0.25%	2,917.81
455	1,500,000.00	12/30/2014	2/5/2016	0.19%	3,056.33
099	2,200,000.00	1/30/2015	3/4/2016	0.19%	4,449.12

Sunflower Bank **Certificates of Deposit**
CD #

Equity Bank **Certificates of Deposit**
CD #

323	1,000,000.00	10/31/2013	2/6/2015	0.19%	2,410.14
341	1,300,000.00	11/8/2013	3/6/2015	0.25%	4,300.68
386	1,000,000.00	11/14/2013	3/19/2015	0.22%	2,953.42
828	1,650,000.00	3/28/2013	3/28/2015	0.32%	10,560.00
440	3,300,000.00	1/22/2014	4/17/2015	0.49%	19,935.62
503	1,500,000.00	1/31/2014	5/14/2015	0.37%	7,116.16
620	1,000,000.00	3/21/2014	7/10/2015	0.22%	2,869.04
638	3,000,000.00	4/22/2014	8/11/2015	0.22%	8,607.12
647	1,500,000.00	5/2/2014	8/28/2015	0.21%	4,168.36
692	2,500,000.00	6/13/2014	10/2/2015	0.23%	7,498.63
719	1,400,000.00	7/25/2014	10/16/2015	0.23%	3,699.40
737	2,000,000.00	8/8/2014	10/30/2015	0.22%	5,425.10
908	1,000,000.00	11/10/2014	11/6/2015	0.25%	2,452.82
746	1,500,000.00	8/29/2014	11/13/2015	0.23%	4,168.36
935	750,000.00	11/14/2014	11/20/2015	0.20%	1,517.03
764	2,000,000.00	9/5/2014	11/27/2015	0.24%	5,866.96
809	1,000,000.00	9/30/2014	12/11/2015	0.22%	2,645.95
818	1,000,000.00	10/3/2014	12/23/2015	0.22%	2,700.44
863	1,200,000.00	10/31/2014	1/8/2016	0.23%	3,267.48
079	1,500,000.00	1/23/2015	1/22/2016	0.20%	3,006.74
989	1,300,000.00	12/12/2014	1/22/2016	0.30%	4,338.08
052	1,250,000.00	1/9/2015	2/19/2016	0.28%	3,907.05
088	1,500,000.00	1/23/2015	2/24/2016	0.25%	4,062.45

Astra Bank **Certificates of Deposit**
CD #

37952	1,200,000.00	12/13/2013	4/3/2015	0.20%	3,129.86
38009	750,000.00	2/21/2014	6/12/2015	0.20%	1,956.16
38015	1,000,000.00	3/7/2014	6/26/2015	0.19%	2,477.81

Emprise Bank **Certificates of Deposit**
CD#

Bank of Hays **Certificates of Deposit**
CD#

56,250,000.00

178,520.36

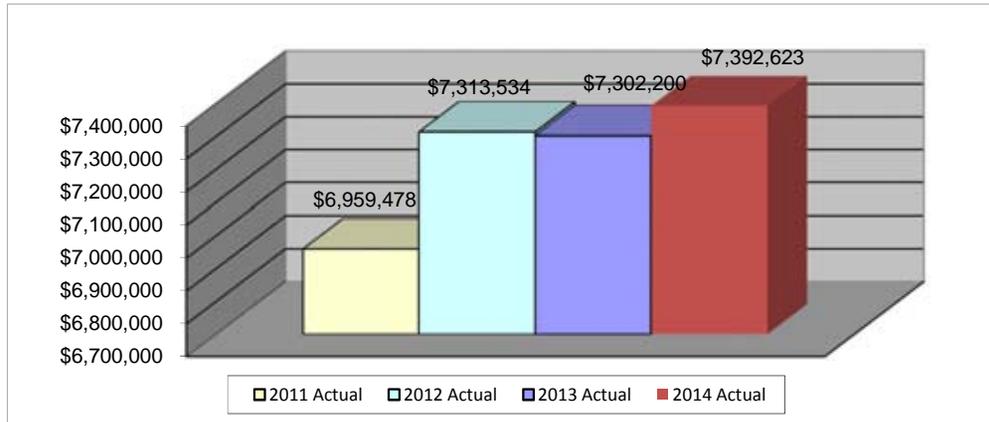
<u>Astra Bank</u>		
<u>MMA</u>		0.03%
<u>Commerce Bank</u>		
<u>MMA</u>	1,000,000.00	0.20%

SALES TAX RECEIPTS
 City of Hays
 General Fund 1.25%

	2011 actual	2012 actual	2013 actual	2014 actual	2015 actual	Change from 2014	YTD % Change from 2014
January	\$543,135	\$611,353	\$630,469	\$ 591,886	\$624,116	\$32,230	5.45%
February	\$686,869	\$702,298	\$687,316	\$ 693,745			
March	\$576,013	\$563,583	\$561,055	\$ 555,681			
April	\$460,066	\$509,945	\$523,623	\$ 519,570			
May	\$569,624	\$611,234	\$591,279	\$ 597,391			
June	\$573,474	\$608,325	\$567,547	\$ 609,416			
July	\$570,421	\$621,448	\$679,311	\$ 649,718			
August	\$555,561	\$671,019	\$651,955	\$ 617,003			
September	\$573,336	\$572,295	\$611,782	\$ 647,126			
October	\$648,649	\$648,340	\$650,165	\$ 643,573			
November	\$580,035	\$638,490	\$553,637	\$ 652,440			
December	\$622,295	\$555,204	\$594,061	\$ 615,074			

TOTALS \$6,959,478 \$7,313,534 \$7,302,200 \$7,392,623 \$624,116 \$32,230
 9.97% 5.09% -0.15% 1.24%

Total Inc/dec over previous year



2013 - 2014 - 2015 6 month running avg	
January	3.99%
February	
March	
April	
May	
June	
July	
August	
September	
October	
November	
December	

**General Fund revenues provide funding for City services including police, fire, street, parks, swimming pool and golf course. It also provides funding to outside agencies such as Economic Development, Downtown Hays Development, United Way CARE Council and Fort Hays State Scholarships.

Sales Tax Collections by Industry Classification - Top Ten
 QTD 2013-2014-2015 November, December, January

	2013/2014	2014/2015	\$\$ inc/dec	% inc/dec	% of 2013 Total
452 General Merchandise Stores	\$416,087	\$478,998	\$62,911	15.12%	17.82%
441 Motor Vehicle and Parts Dealers	\$367,333	\$391,519	\$24,186	6.58%	14.57%
722 Food Services and Drinking Places	\$243,839	\$258,703	\$14,864	6.10%	9.62%
444 Building Material and Garden Supply	\$187,256	\$206,914	\$19,658	10.50%	7.70%
445 Food and Beverage	\$143,712	\$160,952	\$17,240	12.00%	5.99%
517 Telecommunications	\$61,163	\$62,723	\$1,560	2.55%	2.33%
448 Clothing and Clothing Accessories	\$97,803	\$92,761	(\$5,042)	-5.16%	3.45%
423 Merchant Wholesalers, Durable Goods	\$86,147	\$86,514	\$367	0.43%	3.22%
721 Accommodation	\$53,008	\$54,343	\$1,335	2.52%	2.02%
451 Sporting Goods, Hobby, Book & Music	\$45,751	\$52,508	\$6,757	14.77%	1.95%
	\$1,702,099	\$1,845,935	\$143,836	8.45%	68.67%

**MONTHLY STATEMENT OF CITY TREASURER
1/1/2015 THROUGH 1/31/2015**

FUND	BALANCE 1/1/2015	RECEIPTS	DISBURSEMENTS	BALANCE 1/31/2015
Cash Drawer	\$1,500.00			\$1,500.00
General	\$3,952,834.57	764,758.28	884,297.95	\$3,833,294.90
Petty Cash	\$1,000.00			\$1,000.00
Reserve Budget Stabilization	\$3,221,180.75			\$3,221,180.75
Library	\$77,007.06	683,096.37	0.00	\$760,103.43
Airport	\$103,580.56	128,771.34	14,108.87	\$218,243.03
Public Safety Equipment	\$440,746.51	245,637.76	5,754.16	\$680,630.11
Employee Benefit Contribution	\$1,030,853.51	1,454,039.44	642,763.30	\$1,842,129.65
Special Highway	\$239,864.27	147,917.50	1,744.00	\$386,037.77
Special Park & Recreation	\$226,221.63	0.00	1,083.00	\$225,138.63
Special Alcohol Program	\$175,533.86			\$175,533.86
Convention & Tourism	\$566,188.82	232,821.32	93,734.39	\$705,275.75
New Equipment Reserve	\$3,321,393.93	174.94	0.00	\$3,321,568.87
Grants	\$0.00			\$0.00
Library Employee Benefit	\$10,277.50	100,263.92	0.00	\$110,541.42
Golf Course Improvement	\$63,731.19	0.00	(949.20)	\$64,680.39
Park Development - Green Space	\$5,026.93			\$5,026.93
DOJ Program	\$1,378.94	0.00	43.43	\$1,335.51
Sports Complex	\$2,039,032.73			\$2,039,032.73
Stormwater Management	\$212,215.12	0.00	(38,035.91)	\$250,251.03
Parks Improvement Fund	\$38,839.46	40,000.00	0.00	\$78,839.46
Ellis Co. Sales Tax	\$0.00	149,027.58	149,027.58	\$0.00
City Capital Reserve	\$2,882,550.65	0.00	202,195.00	\$2,680,355.65
Capital Projects	\$1,637,905.06	0.00	17,685.49	\$1,620,219.57
Airport Improvement	\$137,913.22	230,302.00	114,593.90	\$253,621.32
Bond & Interest	\$223,168.49	729,829.58	0.00	\$952,998.07
TDD Sales Tax	\$20,611.02	4,005.91	21,311.02	\$3,305.91
Home Depot Econ Dev Bds	\$168,466.11	36,496.07	0.00	\$204,962.18

FUND	BALANCE 1/1/2015	RECEIPTS	DISBURSEMENTS	BALANCE 1/31/2015
Home Depot Econ Dev Bds (Cash Restr.)				\$24,608.90
48th/Roth Ave. - CID	\$552.27	7,134.32	0.00	\$7,686.59
The Mall CID	\$5,900.00			\$5,900.00
				\$0.00
Restricted Cash - 2009 A Bonds	\$65,352.00			\$65,352.00
Sales Tax (Cash Reserve)	\$25,882,257.50	20.00	30,346.03	\$25,851,931.47
Water & Sewer	\$4,918,572.09	755,346.89	419,036.96	\$5,254,882.02
Water & Sewer (Bond & Interest Reserve)	\$102,030.92			\$102,030.92
Water & Sewer (Bond Reserve Account)	\$0.00			\$0.00
Water & Sewer (Capital Reserve)	\$1,248,298.18	0.00	67,199.26	\$1,181,098.92
Water & Sewer(Reserve 2009A)	\$420,487.10	0.00	(34,922.49)	\$455,409.59
Solid Waste Fund	\$448,369.17	1,974.29	(41,650.39)	\$491,993.85
Solid Waste Reserve	\$495,104.56			\$495,104.56
Fire Insurance Trust	\$0.00			\$0.00
	\$0.00			\$0.00
Municipal Court Agency Fund	\$123,785.52	0.00	(937.00)	\$124,722.52
	<u>\$54,534,340.10</u>	<u>\$5,711,617.51</u>	<u>\$2,548,429.35</u>	<u>\$57,697,528.26</u>

City of Hays Revenues
Month of January 2015

	<u>Budgeted</u> 2014	<u>Collections</u> Current Mo.	<u>Collections</u> To Date	<u>Balance</u>
General				
<u>CULTURE & RECREATION REVENUES</u>				
Total Revenues	\$432,061.00	\$9,190.28	\$32,133.08	(\$399,927.92)
<u>GENERAL GOVERNMENT REVENUES</u>				
Total Revenues	\$11,156,895.00	\$760,441.98	\$760,393.09	(\$10,396,501.91)
<u>PUBLIC SAFETY REVENUES</u>				
Total Revenues	\$613,000.00	\$56,391.50	\$56,391.50	(\$556,608.50)
<u>PUBLIC WORKS REVENUES</u>				
Total Revenues	\$10,300.00	\$2,925.00	\$2,925.00	(\$7,375.00)
Library				
<u>LIBRARY FUND REVENUES</u>				
Total Revenues	\$1,217,200.00	\$692,213.46	\$692,213.46	(\$524,986.54)
Airport				
<u>AIRPORT FUND REVENUES</u>				
Total Revenues	\$350,506.00	\$130,411.87	\$130,411.87	(\$220,094.13)
Employee Benefit				
<u>EMPLOYEE BENEFIT REVENUES</u>				
Total Revenues	\$3,645,213.00	\$1,468,377.54	\$1,468,377.54	(\$2,176,835.46)
Special Highway				
<u>SPECIAL HIGHWAY REVENUES</u>				
Total Revenues	\$584,600.00	\$147,917.50	\$147,917.50	(\$436,682.50)
Special Park & Rec				
<u>SPECIAL PRK & REC REVENUES</u>				
Total Revenues	\$132,061.00	\$0.00	\$0.00	(\$132,061.00)
Special Alcohol Fund				
<u>SPECIAL ALCOHOL FUND REVENUES</u>				
Total Revenues	\$132,061.00	\$0.00	\$0.00	(\$132,061.00)
Convention & Visitors Bureau				
<u>CONVENTION & VISITOR'S REVENUE</u>				
Total Revenues	\$810,000.00	\$232,821.32	\$232,821.32	(\$577,178.68)
Library Employee Benefit				
<u>LIBRARY EMP. BENEFIT REVENUES</u>				
Total Revenues	\$178,703.00	\$101,599.61	\$101,599.61	(\$77,103.39)
Risk Management				
<u>RISK MANAGEMENT REVENUES</u>				
Total Revenues	\$0.00	\$0.00	\$0.00	\$0.00
Golf Course Improvement				
<u>GOLF COURSE IMPR. FUND REVENUE</u>				
Total Revenues	\$0.00	\$949.20	\$3,267.77	\$3,267.77
Park Development				
<u>PARK DEVELOPMENT FUND-REVENUE</u>				
Total Revenues	\$0.00	\$0.00	\$0.00	\$0.00
DOJ Program				
<u>DOJ PROGRAM-REVENUES</u>				
Total Revenues	\$0.00	\$0.00	\$0.00	\$0.00
Sports Complex				
<u>SPORTS COMPLEX-REVENUES</u>				
Total Revenues	\$0.00	\$0.00	\$0.00	\$0.00
<u>STORMWATER MANAGEMENT REVENUES</u>				
Total Revenues	\$783,500.00	\$58,747.72	\$58,747.72	(\$724,752.28)

	<u>Budgeted</u> <u>2014</u>	<u>Collections</u> <u>Current Mo.</u>	<u>Collections</u> <u>To Date</u>	<u>Balance</u>
<u>PARKS IMPROVEMENT FUND-REVENUE</u>				
Total Revenues	\$0.00	\$40,000.00	\$40,000.00	\$40,000.00
<u>ELLIS CO. SALES TAX-REVENUES</u>				
Total Revenues	\$0.00	\$149,027.58	\$149,027.58	\$149,027.58
Bond & Interest				
<u>BOND & INTEREST REVENUES</u>				
Total Revenues	\$1,284,937.00	\$736,129.42	\$736,129.42	(\$548,807.58)
TDD Sales Tax				
<u>TDD SLS TAX REVENUES</u>				
Total Revenues	(\$56,562.92)	\$4,005.91	\$4,005.91	\$60,568.83
Home Depot Economic Dev Bonds				
<u>H DEPOT-ECON DEV BND-REVENUES</u>				
Total Revenues	\$219,317.00	\$36,496.07	\$36,496.07	(\$182,820.93)
48th/Roth Ave. - CID				
<u>48TH/ROTH AVE CID-REVENUES</u>				
Total Revenues	\$0.00	\$7,134.32	\$7,134.32	\$7,134.32
Water & Sewer				
<u>WATER & SEWER FUND REVENUES</u>				
Total Revenues	\$8,767,510.00	\$678,540.45	\$871,744.08	(\$7,895,765.92)
Solid Waste				
<u>SOLID WASTE FUND REVENUES</u>				
Total Revenues	\$1,293,000.00	\$108,093.30	\$108,098.30	(\$1,184,901.70)
Fire Insurance Trust				
<u>FIRE INS TRUST REVENUES</u>				
Total Revenues	\$0.00	\$0.00	\$0.00	\$0.00
Grand Totals	<u><u>\$31,554,301.08</u></u>	<u><u>\$5,421,414.03</u></u>	<u><u>\$5,639,835.14</u></u>	<u><u>(\$25,914,465.94)</u></u>

City of Hays Expenditures
Month of January 2015

	<u>Budgeted</u> 2014	<u>Expenses</u> Current Mo.	<u>Expenses</u> To Date	<u>Balance</u>
General				
<u>BALLFIELD MAINTENANCE</u>				
Total Expenditures	\$36,300.00	\$0.00	\$14.03	\$36,285.97
<u>BICKLE-SCHMIDT SPORTS COMPLEX</u>				
Total Expenditures	\$226,051.00	\$5,538.41	\$8,675.14	\$217,375.86
<u>BUILDINGS & GROUNDS</u>				
Total Expenditures	\$517,060.00	\$37,634.58	\$38,705.83	\$478,354.17
<u>CEMETERIES</u>				
Total Expenditures	\$20,300.00	\$0.00	\$0.00	\$20,300.00
<u>CITY ATTORNEY</u>				
Total Expenditures	\$101,000.00	\$6,900.00	\$6,900.00	\$94,100.00
<u>CITY COMMISSION</u>				
Total Expenditures	\$1,489,034.00	\$1,030.20	\$1,295.20	\$1,487,738.80
<u>CITY MANAGER</u>				
Total Expenditures	\$486,957.00	\$38,452.75	\$53,053.90	\$433,903.10
<u>DISPATCH</u>				
Total Expenditures	\$565,122.00	\$44,725.30	\$64,942.84	\$500,179.16
<u>ECONOMIC DEVELOPMENT</u>				
Total Expenditures	\$229,378.00	\$114,553.00	\$114,553.00	\$114,825.00
<u>FINANCE/CITY CLERK</u>				
Total Expenditures	\$380,503.00	\$21,486.21	\$33,493.81	\$347,009.19
<u>FIRE DEPARTMENT</u>				
Total Expenditures	\$1,431,603.00	\$105,957.49	\$144,346.28	\$1,287,256.72
<u>FLEET MAINTENANCE</u>				
Total Expenditures	\$883,076.00	\$30,073.30	\$36,426.74	\$846,649.26
<u>GOLF COURSE</u>				
Total Expenditures	\$415,929.00	\$11,273.80	\$16,406.01	\$399,522.99
<u>HUMAN RESOURCES</u>				
Total Expenditures	\$204,859.00	\$9,459.89	\$15,098.04	\$189,760.96
<u>INFORMATION TECHNOLOGY</u>				
Total Expenditures	\$545,925.00	\$77,342.38	\$89,172.51	\$456,752.49
<u>INTERGOVERNMENTAL ACCOUNT</u>				
Total Expenditures	\$342,500.00	\$4,638.26	\$4,638.26	\$337,861.74
<u>MUNICIPAL COURT</u>				
Total Expenditures	\$160,213.00	\$11,430.87	\$15,751.76	\$144,461.24
<u>P.W.-GENERAL ADMINISTRATION</u>				
Total Expenditures	\$288,856.00	\$18,222.49	\$28,616.99	\$260,239.01
<u>PARKS & PLAYGROUNDS</u>				
Total Expenditures	\$871,761.00	\$53,489.39	\$76,757.89	\$795,003.11
<u>PLANNING INSPECTION ENFORCEMEN</u>				
Total Expenditures	\$363,790.00	\$21,614.28	\$32,482.70	\$331,307.30
<u>POLICE DEPARTMENT</u>				
Total Expenditures	\$2,117,871.00	\$155,091.26	\$223,934.57	\$1,893,936.43
<u>PUBLIC WORKS-SERVICE DIVISION</u>				
Total Expenditures	\$933,563.00	\$44,131.16	\$65,254.98	\$868,308.02
<u>QUALITY OF LIFE</u>				
Total Expenditures	\$0.00	\$0.00	\$0.00	\$0.00
<u>SOCIAL SERVICES</u>				
Total Expenditures	\$164,000.00	\$0.00	\$0.00	\$164,000.00
<u>SWIMMING POOL</u>				
Total Expenditures	\$100,700.00	\$0.00	\$855.00	\$99,845.00
Library				
<u>LIBRARY FUND EXPENDITURES</u>				
Total Expenditures	\$1,245,388.00	\$9,117.09	\$701,330.55	\$544,057.45
Airport				
<u>AIRPORT FUND EXPENDITURES</u>				
Total Expenditures	\$381,649.00	\$13,450.23	\$16,864.11	\$364,784.89

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>To Date</u>	<u>Balance</u>
Employee Benefit				
<u>EMPLOYEE BENEFIT EXPENDITURES</u>				
Total Expenditures	\$4,222,002.00	\$657,101.40	\$724,390.50	\$3,497,611.50
Special Highway				
<u>SPECIAL HIGHWAY EXPENDITURES</u>				
Total Expenditures	\$708,082.00	\$0.00	\$0.00	\$708,082.00
Special Park & Rec				
<u>SPECIAL PRK & REC EXPENDITURES</u>				
Total Expenditures	\$283,679.00	\$933.00	\$6,109.00	\$277,570.00
Special Alcohol Fund				
<u>SPECIAL ALCOHOL FUND EXPENDITURES</u>				
Total Expenditures	\$316,686.00	\$0.00	\$0.00	\$316,686.00
Convention & Visitors Bureau				
<u>CVB EXPENDITURES</u>				
Total Expenditures	\$1,226,536.00	\$82,956.44	\$90,681.58	\$1,135,854.42
Library Employee Benefit				
<u>LIBRARY EMP. BENEFIT EXPENDITURES</u>				
Total Expenditures	\$181,993.00	\$1,335.69	\$102,935.30	\$79,057.70
Risk Management				
<u>RISK MGT. FUND EXPENDITURES</u>				
Total Expenditures	\$0.00	\$0.00	\$0.00	\$0.00
Golf Course Improvement				
<u>GOLF COURSE IMPR. EXPENDITURES</u>				
Total Expenditures	\$0.00	\$0.00	\$0.00	\$0.00
Park Development				
<u>PARK DEVELOPMENT EXPENDITURES</u>				
Total Expenditures	\$5,027.00	\$0.00	\$0.00	\$5,027.00
DOJ Program				
<u>DOJ-EXPENDITURES</u>				
Total Expenditures	\$0.00	\$0.00	\$0.00	\$0.00
Sports Complex				
<u>SPORTS COMPLEX-EXPENDITURES</u>				
Total Expenditures	\$0.00	\$0.00	\$0.00	\$0.00
<u>STORMWATER MANAGEMENT EXPENDITURES</u>				
Total Expenditures	\$911,574.00	\$3,980.36	\$5,965.44	\$905,608.56
<u>PARKS IMPROVEMENT FUND-EXPENDITURES</u>				
Total Expenditures	\$0.00	\$0.00	\$0.00	\$0.00
<u>ELLIS CO. SALES TAX-EXPENDITURES</u>				
Total Expenditures	\$0.00	\$149,027.58	\$149,027.58	(\$149,027.58)
Bond & Interest				
<u>BOND & INTEREST EXPENDITURES</u>				
Total Expenditures	\$1,452,648.00	\$6,299.84	\$6,299.84	\$1,446,348.16
TDD Sales Tax				
<u>TDD SLS TAX EXPENDITURES</u>				
Total Expenditures	\$0.00	\$21,311.02	\$25,316.93	(\$25,316.93)
Home Depot Economic Dev Bonds				
<u>H DEPOT ECON DEV BND-EXPENDITURES</u>				
Total Expenditures	\$215,524.00	\$0.00	\$0.00	\$215,524.00
48th/Roth Ave. - CID				
<u>48TH/ ROTH AVE CID-EXPENDITURES</u>				
Total Expenditures	\$0.00	\$0.00	\$0.00	\$0.00

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>To Date</u>	<u>Balance</u>
Water & Sewer				
<u>DEBT SERVICE</u>				
Total Expenditures	\$419,070.00	\$34,922.49	\$34,922.49	\$384,147.51
<u>DEBT SERVICE - SALES TAX</u>				
Total Expenditures	\$0.00	\$0.00	\$0.00	\$0.00
<u>UTILITIES DEPT./WATER CONSERV.</u>				
Total Expenditures	\$270,331.00	\$5,337.87	\$8,242.81	\$262,088.19
<u>W/S NON-OPERATING EXPENDITURES</u>				
Total Expenditures	\$6,067,790.00	\$1,191.95	\$26,921.24	\$6,040,868.76
<u>WASTEWATER TREATMENT & COLL.</u>				
Total Expenditures	\$1,143,791.00	\$54,607.92	\$76,210.94	\$1,067,580.06
<u>WATER PRODUCTION & DIST.</u>				
Total Expenditures	\$1,693,935.00	\$68,954.90	\$119,312.69	\$1,574,622.31
Solid Waste				
<u>SOLID WASTE FUND EXPENDITURE</u>				
Total Expenditures	\$1,401,604.00	\$27,530.57	\$42,651.53	\$1,358,952.47
Fire Insurance Trust				
<u>FIRE INS TRUST EXPENDITURES</u>				
Total Expenditures	\$0.00	\$0.00	\$0.00	\$0.00
Grand Totals	<u><u>\$35,023,660.00</u></u>	<u><u>\$1,951,103.37</u></u>	<u><u>\$3,208,558.01</u></u>	<u><u>\$31,815,101.99</u></u>

GENERAL FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash	3,833,294.90
Petty Cash	1,000.00
Cash Drawer	1,500.00
Reserve-Budget Stabilization	3,221,180.75
Accts. Receivable-Police Court	67,646.69
Accts. Receivable-Misc. Sources	0.00

TOTAL ASSETS 7,124,622.34

LIABILITIES

Accounts Payable	1,400.00
Control Pay Payable	0.00
Accrued Payroll	200,242.40
Accrued Vacation/PTO	473,911.98
Accrued Sick Leave Payout	29,367.80
Accrued Comp Time	0.00
W/H -Payable	
State W/H Payable	
FICA/Med Payable	
KPERS-Payable	
Prior Year Encumbrance	0.00
Lease Purchase Agreements	0.00

TOTAL LIABILITIES 704,922.18

FUND BALANCE

Revenues	828,948.76
Expenditures	-813,045.02
Fund Balance Reserved for Enc	84,996.97
Fund Balance Unreserved	3,097,618.70
Bdgt Stabilization Reserved Fund Bl	3,221,180.75

TOTAL FUND BALANCE 6,419,700.16

**TOTAL LIABILITIES
& FUND BALANCE** 7,124,622.34

LIBRARY FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash

760,103.43

TOTAL ASSETS

760,103.43

FUND BALANCE

Revenues

692,213.46

Expenditures

-9,117.09

Fund Balance Unreserved

77,007.06

TOTAL FUND BALANCE

760,103.43

AIRPORT FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash	218,242.03
Accts. Receivable	0.00
Accts. Receivable-Misc. Sources	0.00
TOTAL ASSETS	<u>218,242.03</u>

LIABILITIES

Control Pay Payable	0.00
Accounts Payable	0.00
Accrued Payroll	2,840.38
Accrued Vacation/PTO	6,612.71
Accrued Sick Leave Payout	
Prior Year Encumbrance	0.00
TOTAL LIABILITIES	<u>9,453.09</u>

FUND BALANCE

Revenues	130,411.87
Expenditures	-13,450.23
Fund Balance Reserved for Enc	4,484.68
Fund Balance Unreserved	87,343.62
TOTAL FUND BALANCE	<u>208,789.94</u>

TOTAL LIABILITIES & FUND BALANCE	<u><u>218,243.03</u></u>
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PUBLIC SAFETY EQUIPMENT FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash

680,630.11

TOTAL ASSETS

680,630.11

LIABILITIES:

Accounts Payable

0.00

TOTAL LIABILITIES

0.00

FUND BALANCE

Revenues

248,917.16

Expenditures

-3,279.40

Fund Balance Reserved for Enc

6,285.00

Fund Balance Unreserved

428,707.35

TOTAL FUND BALANCE

680,630.11

EMPLOYEE BENEFIT FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash	1,842,129.65
Accts. Receivable	0.00
Accts. Receivable-Misc. Sources	0.00
TOTAL ASSETS	<u>1,842,129.65</u>

LIABILITIES

Accounts Payable	0.00
TOTAL LIABILITIES	<u>0.00</u>

FUND BALANCE

Revenues	1,468,377.54
Expenditures	-657,101.40
Fund Balance Reserved for Enc	0.00
Fund Balance Unreserved	1,030,853.51
TOTAL FUND BALANCE	<u>1,842,129.65</u>

TOTAL LIABILITIES & FUND BALANCE	<u><u>1,842,129.65</u></u>
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SPECIAL HIGHWAY FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash	386,037.77
Grants Receivable	0.00
TOTAL ASSETS	<u>386,037.77</u>

LIABILITIES

Accounts Payable	0.00
Control Pay Payable	0.00
Due To Other Funds	0.00
Prior Year Encumbrance	0.00
TOTAL LIABILITIES	<u>0.00</u>

FUND BALANCE

Revenues	147,917.50
Expenditures	0.00
Fund Balance Reserved for Enc	21,278.80
Fund Balance Unreserved	216,841.47
TOTAL FUND BALANCE	<u>386,037.77</u>

TOTAL LIABILITIES & FUND BALANCE	<u><u>386,037.77</u></u>
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SPECIAL PARK & RECREATION FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash

225,138.63

TOTAL ASSETS

225,138.63

LIABILITIES

Accounts Payable

0.00

TOTAL LIABILITIES

0.00

FUND BALANCE

Revenues

0.00

Expenditures

-933.00

Fund Balance Reserved for Enc

836.00

Fund Balance Unreserved

225,235.63

TOTAL FUND BALANCE

225,138.63

TOTAL LIABILITIES

& FUND BALANCE

225,138.63

SPECIAL ALCOHOL FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash

175,533.86

TOTAL ASSETS

175,533.86

LIABILITIES

Accrued Payroll

0.00

Accrued Vacation

0.00

Accounts Payable

0.00

TOTAL LIABILITIES

0.00

FUND BALANCE

Revenues

0.00

Expenditures

0.00

Fund Balance Unreserved

175,533.86

TOTAL FUND BALANCE

175,533.86

**TOTAL LIABILITIES
& FUND BALANCE**

175,533.86

CONVENTION & VISITOR'S BUREAU FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash	705,275.75
Accts. Receivable-Misc. Sources	0.00
TOTAL ASSETS	<u>705,275.75</u>

LIABILITIES

Accounts Payable	0.00
Accrued Payroll	5,564.89
Accrued Vacation/PTO	12,555.30
Accrued Comp Time	0.00
Prior Year Encumbrance	0.00
TOTAL LIABILITIES	<u>18,120.19</u>

FUND BALANCE

Revenues	232,821.32
Expenditures	-82,956.44
Fund Balance Reserved for Enc	25,908.85
Fund Balance Unreserved	511,381.83
TOTAL FUND BALANCE	<u>687,155.56</u>

TOTAL LIABILITIES & FUND BALANCE	<u><u>705,275.75</u></u>
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NEW EQUIPMENT RESERVE FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash

TOTAL ASSETS 3,321,568.87
3,321,568.87

LIABILITIES

Accounts Payable

TOTAL LIABILITIES 0.00
0.00

FUND BALANCE

Revenues

174.94

Expenditures

0.00

Fund Balance Reserved for Enc

0.00

Fund Balance Unreserved

3,321,393.93

TOTAL FUND BALANCE **3,321,568.87**

**TOTAL LIABILITIES
& FUND BALANCE**

3,321,568.87

GRANTS- MULTI FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash		0.00
Loan Receivable		0.00
	TOTAL ASSETS	0.00

LIABILITIES

Accounts Payable		0.00
	TOTAL LIABILITIES	0.00

FUND BALANCE

Revenues		1,526.85
Expenditures		-1,526.85
Fund Balance Unreserved		
	TOTAL FUND BALANCE	0.00
	TOTAL LIABILITIES & FUND BALANCE	0.00

LIBRARY EMPLOYEE BENEFIT FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash

110,541.42

TOTAL ASSETS

110,541.42

FUND BALANCE

Revenues

101,599.61

Expenditures

-1,335.69

Fund Balance Unreserved

10,277.50

TOTAL FUND BALANCE

110,541.42

GOLF COURSE IMPROVEMENT FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash

64,680.39

TOTAL ASSETS

64,680.39

LIABILITIES

Accounts Payable

TOTAL LIABILITIES

0.00

FUND BALANCE

Revenues

949.20

Expenditures

0.00

Fund Balance Reserved for Enc

0.00

Fund Balance Unreserved

63,731.19

TOTAL FUND BALANCE

64,680.39

**TOTAL LIABILITIES
& FUND BALANCE**

64,680.39

PARK DEVELOPMENT FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash

5,026.93

TOTAL ASSETS

5,026.93

FUND BALANCE

Revenues

Expenditures

Fund Balance Reserved for Enc

Fund Balance Unreserved

0.00

5,026.93

TOTAL FUND BALANCE

5,026.93

DEPT. OF JUSTICE

1/31/2015

BALANCE SHEET

ASSETS:

Cash

1,335.51

TOTAL ASSETS

1,335.51

LIABILITIES

Accounts Payable

0.00

TOTAL LIABILITIES

0.00

FUND BALANCE

Revenues

Expenditures

0.00

Fund Balance Reserved for Enc

0.00

Fund Balance Unreserved

1,335.51

TOTAL FUND BALANCE

1,335.51

SPORTS COMPLEX FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash	2,039,032.73
Accts. Receivable-Misc. Sources	0.00
Due From Other Funds	
TOTAL ASSETS	<u>2,039,032.73</u>

LIABILITIES

Accounts Payable	0.00
TOTAL LIABILITIES	<u>0.00</u>

FUND BALANCE

Revenues	0.00
Expenditures	0.00
Fund Balance Reserved for Encumbrances	0.00
Fund Balance Unreserved	2,039,032.73
TOTAL FUND BALANCE	<u>2,039,032.73</u>

TOTAL LIABILITIES & FUND BALANCE	<u><u>2,039,032.73</u></u>
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STORMWATER MANAGEMENT

1/31/2015

BALANCE SHEET

ASSETS:

Cash	250,251.03
Due From Other Funds	58,458.95
TOTAL ASSETS	<u>308,709.98</u>

LIABILITIES

Accounts Payable	0.00
Control Pay Payable	0.00
Accrued Payroll	840.61
TOTAL LIABILITIES	<u>840.61</u>

FUND BALANCE

Revenues	58,747.72
Expenditures	-3,980.36
Fund Balance Reserved for Encumbrances	58,508.94
Fund Balance Unreserved	194,593.07
TOTAL FUND BALANCE	<u>307,869.37</u>

TOTAL LIABILITIES & FUND BALANCE	<u><u>308,709.98</u></u>
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PARKS IMPROVEMENT FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash		78,839.46
Accts. Receivable		0.00
	TOTAL ASSETS	78,839.46

LIABILITIES

Accounts Payable		0.00
Due To Other Accounts		0.00
	TOTAL LIABILITIES	0.00

FUND BALANCE

Revenues		40,000.00
Expenditures		0.00
Fund Balance Reserved for Enc		0.00
Fund Balance Unreserved		38,839.46
	TOTAL FUND BALANCE	78,839.46

	TOTAL LIABILITIES & FUND BALANCE	78,839.46
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ELLIS COUNTY SALES TAX

1/31/2015

BALANCE SHEET

ASSETS:

Cash		0.00
Due From Other Funds		
	TOTAL ASSETS	0.00

LIABILITIES

Accounts Payable		0.00
	TOTAL LIABILITIES	0.00

FUND BALANCE

Revenues		149,027.58
Expenditures		-149,027.58
Fund Balance Reserved		0.00
Fund Balance Unreserved		0.00
	TOTAL FUND BALANCE	0.00

	TOTAL LIABILITIES & FUND BALANCE	0.00
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CITY COMMISSION CAPITAL RESERVE

1/31/2015

BALANCE SHEET

ASSETS:

Cash		2,680,355.65
Due From Other Funds		
	TOTAL ASSETS	<u>2,680,355.65</u>

LIABILITIES

Accounts Payable		0.00
	TOTAL LIABILITIES	<u>0.00</u>

FUND BALANCE

Revenues		0.00
Expenditures		-202,195.00
Fund Balance Reserved		0.00
Fund Balance Unreserved		2,882,550.65
	TOTAL FUND BALANCE	<u>2,680,355.65</u>

	TOTAL LIABILITIES & FUND BALANCE	<u><u>2,680,355.65</u></u>
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CAPITAL PROJECTS FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash	1,620,219.57
Accts. Receivable-Misc. Sources	0.00
Due From Other Funds	0.00

TOTAL ASSETS	<u>1,620,219.57</u>
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LIABILITIES

Accounts Payable	0.00
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TOTAL LIABILITIES	<u>0.00</u>
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FUND BALANCE

Revenues	0.00
Expenditures	-816.57
Fund Balance Reserved for Enc	985,481.53
Fund Balance Unreserved	635,554.61

TOTAL FUND BALANCE	<u>1,620,219.57</u>
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TOTAL LIABILITIES & FUND BALANCE	<u><u>1,620,219.57</u></u>
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CAPITAL PROJECTS 2001 FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash		0.00
Due From Other Funds		
	TOTAL ASSETS	0.00

LIABILITIES

Due To Other Funds		0.00
Accounts Payable		0.00
	TOTAL LIABILITIES	0.00

FUND BALANCE

Revenues		
Expenditures		
Fund Balance Unreserved		0.00
	TOTAL FUND BALANCE	0.00

	TOTAL LIABILITIES & FUND BALANCE	0.00
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AIRPORT IMPROVEMENT FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash	253,621.32
Accts. Receivable	0.00
Grants Receivable	980,523.00
TOTAL ASSETS	<u>1,234,144.32</u>

LIABILITIES

Accounts Payable	0.00
Due To Other Accounts	0.00
TOTAL LIABILITIES	<u>0.00</u>

FUND BALANCE

Revenues	230,302.00
Expenditures	202,195.00
Fund Balance Reserved for Enc	840,278.86
Fund Balance Unreserved	-38,631.54
TOTAL FUND BALANCE	<u>1,234,144.32</u>

TOTAL LIABILITIES & FUND BALANCE	<u><u>1,234,144.32</u></u>
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BOND & INTEREST FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash	952,998.07
Due From Other Funds	0.00
TOTAL ASSETS	<u>952,998.07</u>

LIABILITIES

Lease Purchase Agreements	0.00
TOTAL LIABILITIES	<u>0.00</u>

FUND BALANCE

Revenues	736,129.42
Expenditures	-6,299.84
Fund Balance Reserved	0.00
Fund Balance Unreserved	223,168.49
TOTAL FUND BALANCE	<u>952,998.07</u>

TOTAL LIABILITIES & FUND BALANCE	<u><u>952,998.07</u></u>
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TRANSPORTATION DD SALES TAX FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash		3,305.91
Due From Other Funds		
	TOTAL ASSETS	<u>3,305.91</u>

LIABILITIES

Accounts Payable		0.00
	TOTAL LIABILITIES	<u>0.00</u>

FUND BALANCE

Revenues		4,005.91
Expenditures		-21,311.02
Fund Balance Reserved		0.00
Fund Balance Unreserved		20,611.02
	TOTAL FUND BALANCE	<u>3,305.91</u>

	TOTAL LIABILITIES & FUND BALANCE	<u><u>3,305.91</u></u>
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HOME DEPOT-ECONOMIC DEVELOPMENT BONDS

1/31/2015

BALANCE SHEET

ASSETS:

Cash	204,962.18
Cash-Restricted	24,608.90
TOTAL ASSETS	<u>229,571.08</u>

LIABILITIES

Accounts Payable	0.00
TOTAL LIABILITIES	<u>0.00</u>

FUND BALANCE

Revenues	36,496.07
Expenditures	0.00
Fund Balance Reserved	0.00
Fund Balance Unreserved	193,075.01
TOTAL FUND BALANCE	<u>229,571.08</u>

TOTAL LIABILITIES & FUND BALANCE	<u><u>229,571.08</u></u>
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48th & ROTH AVE.-CID

1/31/2015

BALANCE SHEET

ASSETS:

Cash		7,686.59
Due From Other Funds		
	TOTAL ASSETS	<u>7,686.59</u>

LIABILITIES

Accounts Payable		0.00
	TOTAL LIABILITIES	<u>0.00</u>

FUND BALANCE

Revenues		7,134.32
Expenditures		0.00
Fund Balance Reserved		0.00
Fund Balance Unreserved		552.27
	TOTAL FUND BALANCE	<u>7,686.59</u>

	TOTAL LIABILITIES & FUND BALANCE	<u><u>7,686.59</u></u>
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THE MALL CID

1/31/2015

BALANCE SHEET

ASSETS:

Cash	5,900.00
Due From Other Funds	
TOTAL ASSETS	<u>5,900.00</u>

LIABILITIES

Accounts Payable	0.00
TOTAL LIABILITIES	<u>0.00</u>

FUND BALANCE

Revenues	0.00
Expenditures	0.00
Fund Balance Reserved	0.00
Fund Balance Unreserved	5,900.00
TOTAL FUND BALANCE	<u>5,900.00</u>

TOTAL LIABILITIES & FUND BALANCE	<u><u>5,900.00</u></u>
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WATER & SEWER FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash	5,254,882.02
Accts. Receivable-Misc. Sources	
Cash-Water Sales Tax	25,851,931.47
Reserve-Capital Improvement	1,181,098.92
Reserve Bond & Int. Sales Tax	
Reserve Bond & Interest W/S	102,030.92
2003 Bond Reserve W/S	0.00
2003 Bond Reserve -Sales Tax	0.00
Consumers Accounts Receivable	472,873.20
Misc. Mdse Accts. Receivable	0.00
Issuance Cost-Sales Tax Fund	
Issuance Costs Water /Sewer	42,536.90
Restricted Cash-2009A Bond	65,352.00
Reserve-W/S Revenue Bond 2009A	455,409.59
Due From Other Funds	0.00
Land	139,109.47
Land-R-9 Ranch	4,262,039.65
Accum Depreciation- R-9 Ranch	-1,012,825.25
Infrastructure	16,404,219.44
Accum Depreciation-Infrastruct	-9,365,694.40
Buildings	11,782,909.54
Accum Depreciation-Bldgs.	-6,776,497.39
Machinery & Equipment	11,283,012.37
Accum Dep-Machinery/Equipment	-8,940,864.48
Work in Progress-Big Creek	2,082,833.90
Water Sales Tax Expenditures	965,200.74
R-9 Ranch Expenditures	0.00

TOTAL ASSETS

54,249,558.61

LIABILITIES

Accounts Payable	8,998.20
Control Pay Payble	0.00
Due To Other Funds	
Accrued Payroll	32,569.02
Accrued Vacation/PTO	83,839.62
Sales Tax	56.86
State Water Fee	31,041.52
Meter Deposit Payable	216,671.02
Refuse Collection	42,460.66
Accrued Int. Payable-Bonds	53,779.11
State Rev. Loan Payment	0.00
G O Bond Payable-Serv. Bldg.	0.00
Bonds Payable-W/S Rev. Bonds	0.00
Bonds Payable-Sales Tax Fund	0.00
Accrued Int. Pybl-Revolv Loan	1,301.92
Contributed Capital	3,215,104.63
Reserve for Bad Debts	3,390,000.00
Bonds Payable-W/S 2009 A	0.00
Advance Developer Fee	0.00
Stormwater Fee	76,545.53
Over & Short	6.81
Prior Year Encumbrance	0.00
Monitoring Well Deposit	4,500.00
Overpayment-Water Sales	0.00

TOTAL LIABILITIES

7,156,874.90

FUND BALANCE

Revenues	678,540.45
Expenditures	-165,015.13
Fund Balance Reserved for Enc	639,402.88
Fund Balance Unreserved	43,732,661.58
Capital Imprv. Reserve Fund Balance	2,207,093.93

TOTAL FUND BALANCE

47,092,683.71

TOTAL LIABILITIES & FUND BALANCE

54,249,558.61

SOLID WASTE FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash	491,993.85
Reserve Account	495,104.56
Accts. Receivable-Misc. Sources	0.00
Due From Other Funds	41,644.73
Buildings	289,324.00
Machinery & Equipment	1,633,486.00
Accum Dep-Machinery/Equipment	-1,110,836.05
TOTAL ASSETS	1,840,717.09

LIABILITIES

Accounts Payable	0.00
Control Pay Payble	0.00
Accrued Payroll	9,383.63
Accrued Vacation/PTO	25,164.08
Contributed Capital	115,383.00
Lease Purchase Obligation	0.00
TOTAL LIABILITIES	149,930.71

FUND BALANCE

Revenues	108,093.30
Expenditures	-27,530.57
Fund Balance Reserved for Enc	2,124.87
Fund Balance Unreserved	1,091,544.22
Solid Waste Reserve	516,554.56
TOTAL FUND BALANCE	1,690,786.38

TOTAL LIABILITIES & FUND BALANCE	1,840,717.09
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FIRE INSURANCE TRUST FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash

0.00

TOTAL ASSETS

0.00

FUND BALANCE

Revenues

18,600.00

Expenditures

-18,600.00

Fund Balance Unreserved

0.00

TOTAL FUND BALANCE

0.00

MUNICIPAL COURT AGENCY FUND

1/31/2015

BALANCE SHEET

ASSETS:

Cash

124,722.52

TOTAL ASSETS

124,722.52

LIABILITIES

Accounts Payable

0.00

Due To Other Accounts

41,446.00

Bonds Payable

27,791.00

Over & Short

-0.50

TOTAL LIABILITIES

69,236.50

FUND BALANCE

Revenues

13,076.50

Expenditures

-3,040.00

Fund Balance Unreserved

45,449.52

TOTAL FUND BALANCE

55,486.02

**TOTAL LIABILITIES
& FUND BALANCE**

124,722.52

City of Hays Revenues
Month of January 2015

	<u>Budgeted</u> <u>2014</u>	<u>Collections</u> <u>Current Mo.</u>	<u>Collections</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Collections</u> <u>Current YTD</u>
<u>48TH/ROTH AVE CID-REVENUES</u>				
LOCAL SALES TAX	0.00	7,134.32	0.00	7,134.32
MISCELLANEOUS REVENUE	0.00	0.00	0.00	0.00
Total Revenues	<u>\$0.00</u>	<u>\$7,134.32</u>	<u>\$0.00</u>	<u>\$7,134.32</u>
<u>AIRPORT FUND REVENUES</u>				
16/20 M TRUCK TAX	178.00	126.04	184.11	126.04
AD VALOREM PROPERTY TAX	205,056.00	118,591.97	117,371.86	118,591.97
AIRPORT-FUEL SALES	20,000.00	2,195.93	861.25	2,195.93
BUSINESS LICENSES	6,600.00	2,200.00	2,200.00	2,200.00
DELINQUENT TAXES	0.00	0.00	0.00	0.00
FARMING (LEASES)	17,000.00	0.00	0.00	0.00
FEDERAL GOVERNMENT AID/GRANT	0.00	0.00	0.00	0.00
LANDING FEES	4,700.00	0.00	500.00	0.00
MISCELLANEOUS REVENUE	6,859.00	200.00	320.00	200.00
MOTOR VEHICLE TAX	13,052.00	5,710.19	5,550.26	5,710.19
PRIOR YEAR ENCUMBRANCE	0.00	0.00	0.00	0.00
RECREATIONAL VEHICLE TAX	496.00	92.46	105.90	92.46
RENTALS	76,565.00	1,295.28	5,263.69	1,295.28
Total Revenues	<u>\$350,506.00</u>	<u>\$130,411.87</u>	<u>\$132,357.07</u>	<u>\$130,411.87</u>
<u>BOND & INTEREST REVENUES</u>				
16/20 M TRUCK TAX	726.00	477.46	896.82	477.46
AD VALOREM PROPERTY TAX	787,950.00	455,412.20	478,391.40	455,412.20
DELINQUENT TAXES	0.00	0.00	0.00	0.00
MISCELLANEOUS REVENUE	0.00	0.00	0.00	0.00
MOTOR VEHICLE TAX	53,232.00	23,273.92	27,037.39	23,273.92
RECEIVED FROM TIF PROCEEDS	0.00	0.00	0.00	0.00
RECREATIONAL VEHICLE TAX	2,023.00	376.89	515.88	376.89
SPECIAL ASSESSMENT TAX	441,006.00	256,588.95	272,777.96	256,588.95
TRANSFER FROM CAPITAL PROJECTS	0.00	0.00	0.00	0.00
TRANSFER FROM GENERAL FUND	0.00	0.00	0.00	0.00
TRANSFER FROM SPECIAL HIGHWAY	0.00	0.00	0.00	0.00
TRANSFER FROM WATER/SEWER FUND	0.00	0.00	0.00	0.00
TRANSFERS	0.00	0.00	0.00	0.00
Total Revenues	<u>\$1,284,937.00</u>	<u>\$736,129.42</u>	<u>\$779,619.45</u>	<u>\$736,129.42</u>
<u>CONVENTION & VISITOR'S REVENUE</u>				
MISCELLANEOUS REVENUE	40,000.00	6,337.00	3,657.00	6,337.00
TRANSIENT GUEST TAX	770,000.00	226,484.32	174,024.87	226,484.32
Total Revenues	<u>\$810,000.00</u>	<u>\$232,821.32</u>	<u>\$177,681.87</u>	<u>\$232,821.32</u>
<u>CULTURE & RECREATION REVENUES</u>				
GOLF COURSE REVENUE	300,000.00	9,190.28	9,118.61	32,133.08
LOCAL ALCOHOL LIQUOR TAX	132,061.00	0.00	0.00	0.00
Total Revenues	<u>\$432,061.00</u>	<u>\$9,190.28</u>	<u>\$9,118.61</u>	<u>\$32,133.08</u>
<u>DOJ PROGRAM-REVENUES</u>				
MISCELLANEOUS REVENUE	0.00	0.00	0.00	0.00
Total Revenues	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
<u>ELLIS CO. SALES TAX-REVENUES</u>				
LOCAL SALES TAX	0.00	149,027.58	0.00	149,027.58
Total Revenues	<u>\$0.00</u>	<u>\$149,027.58</u>	<u>\$0.00</u>	<u>\$149,027.58</u>

	<u>Budgeted</u> <u>2014</u>	<u>Collections</u> <u>Current Mo.</u>	<u>Collections</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Collections</u> <u>Current YTD</u>
<u>EMPLOYEE BENEFIT REVENUES</u>				
16/20 M TRUCK TAX	2,042.00	1,477.25	1,912.36	1,477.25
AD VALOREM PROPERTY TAX	2,415,631.00	1,395,973.36	1,346,249.14	1,395,973.36
DELINQUENT TAXES	0.00	0.00	0.00	0.00
INSURANCE REFUNDS	0.00	0.00	0.00	0.00
INTEREST ON INVESTMENTS	2,000.00	48.99	566.49	48.99
MISCELLANEOUS REVENUE	0.00	4,321.97	2,448.00	4,321.97
MOTOR VEHICLE TAX	149,810.00	65,495.41	57,655.02	65,495.41
RECREATIONAL VEHICLE TAX	5,694.00	1,060.56	1,100.09	1,060.56
TRANSFER FROM AIRPORT	0.00	0.00	0.00	0.00
TRANSFER FROM CVB	81,855.00	0.00	0.00	0.00
TRANSFER FROM GENERAL FUND	0.00	0.00	0.00	0.00
TRANSFER FROM RISK MANAGEMENT	0.00	0.00	0.00	0.00
TRANSFER FROM SOLID WASTE FUND	174,778.00	0.00	0.00	0.00
TRANSFER FROM SPECIAL ALCOHOL	28,900.00	0.00	0.00	0.00
TRANSFER FROM SPECIAL HIGHWAY	0.00	0.00	0.00	0.00
TRANSFER FROM SPORTS COMPLEX	17,649.00	0.00	0.00	0.00
TRANSFER FROM STORMWATER MGT	20,694.00	0.00	0.00	0.00
TRANSFER FROM WATER/SEWER FUND	475,884.00	0.00	0.00	0.00
TRANSFERS	0.00	0.00	0.00	0.00
XFER FRM COMM CAPITAL RESERVE	270,276.00	0.00	0.00	0.00
Total Revenues	<u>\$3,645,213.00</u>	<u>\$1,468,377.54</u>	<u>\$1,409,931.10</u>	<u>\$1,468,377.54</u>
<u>FIRE INS TRUST REVENUES</u>				
MISCELLANEOUS REVENUE	0.00	0.00	0.00	0.00
Total Revenues	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
<u>GENERAL GOVERNMENT REVENUES</u>				
16/20 M TRUCK TAX	0.00	0.00	0.00	0.00
AD VALOREM PROPERTY TAX	0.00	0.00	0.00	0.00
BUILDING PERMITS	80,000.00	6,613.50	5,049.17	6,563.50
BUSINESS LICENSES	17,000.00	10.00	7,200.00	10.00
CITY-COUNTY REVENUE SHARING	0.00	0.00	0.00	0.00
CMB & LIQUOR LICENSES	12,000.00	225.00	3,875.00	225.00
DELINQUENT TAXES	0.00	0.00	0.00	0.00
FEDERAL GOVERNMENT AID/GRANT	0.00	0.00	0.00	0.00
FRANCHISE FEES	1,479,164.00	99,034.30	115,267.77	99,034.30
INTEREST ON INVESTMENTS	35,000.00	2,028.82	11,820.72	2,028.82
LOCAL AD VALOREM TAX REDUCTION	0.00	0.00	0.00	0.00
LOCAL SALES TAX	7,156,155.00	624,116.12	569,650.81	624,116.12
MISCELLANEOUS REVENUE	140,000.00	24,723.24	24,357.07	24,724.35
MOTOR VEHICLE TAX	0.00	0.00	0.00	0.00
OTHER LICENSES	500.00	20.00	0.00	20.00
PET LICENSES	18,000.00	2,287.00	3,217.00	2,287.00
PRIOR YEAR ENCUMBRANCE	0.00	0.00	0.00	0.00
RECREATIONAL VEHICLE TAX	0.00	0.00	0.00	0.00
RENTALS	1,200.00	100.00	100.00	100.00
STATE GOVERNMENT AID/GRANT	0.00	1,284.00	0.00	1,284.00
TRANSFER FROM AIRPORT	0.00	0.00	0.00	0.00
TRANSFER FROM CVB	65,450.00	0.00	0.00	0.00
TRANSFER FROM POOL CONSTRUCTIO	0.00	0.00	0.00	0.00
TRANSFER FROM SOLID WASTE FUND	250,000.00	0.00	0.00	0.00
TRANSFER FROM SPECIAL ALCOHOL	62,934.00	0.00	0.00	0.00
TRANSFER FROM SPECIAL HIGHWAY	0.00	0.00	0.00	0.00
TRANSFER FROM SPORTS COMPLEX	226,051.00	0.00	0.00	0.00
TRANSFER FROM STORMWATER MGT	65,195.00	0.00	0.00	0.00
TRANSFER FROM WATER SLS TAX	584,459.00	0.00	0.00	0.00
TRANSFER FROM WATER/SEWER FUND	963,787.00	0.00	0.00	0.00
TRANSFERS	0.00	0.00	0.00	0.00
Total Revenues	<u>\$11,156,895.00</u>	<u>\$760,441.98</u>	<u>\$740,537.54</u>	<u>\$760,393.09</u>

	<u>Budgeted</u> 2014	<u>Collections</u> Current Mo.	<u>Collections</u> Current Mo. Previous Year	<u>Collections</u> Current YTD
<u>GOLF COURSE IMPR. FUND REVENUE</u>				
GOLF COURSE REVENUE	0.00	949.20	1,264.20	3,267.77
MISCELLANEOUS REVENUE	0.00	0.00	0.00	0.00
Total Revenues	\$0.00	\$949.20	\$1,264.20	\$3,267.77
<u>H DEPOT-ECON DEV BND-REVENUES</u>				
MISCELLANEOUS REVENUE	0.00	0.00	0.00	0.00
RECEIVED FROM TIF PROCEEDS	219,317.00	36,496.07	45,169.23	36,496.07
Total Revenues	\$219,317.00	\$36,496.07	\$45,169.23	\$36,496.07
<u>LIBRARY EMP. BENEFIT REVENUES</u>				
16/20 M TRUCK TAX	151.00	104.27	153.07	104.27
AD VALOREM PROPERTY TAX	167,020.00	96,555.91	99,910.63	96,555.91
DELINQUENT TAXES	0.00	0.00	0.00	0.00
MOTOR VEHICLE TAX	11,110.00	4,860.72	4,615.06	4,860.72
RECREATIONAL VEHICLE TAX	422.00	78.71	88.07	78.71
Total Revenues	\$178,703.00	\$101,599.61	\$104,766.83	\$101,599.61
<u>LIBRARY FUND REVENUES</u>				
16/20 M TRUCK TAX	995.00	713.43	1,086.23	713.43
AD VALOREM PROPERTY TAX	1,140,430.00	659,068.14	656,010.24	659,068.14
DELINQUENT TAXES	0.00	0.00	0.00	0.00
MOTOR VEHICLE TAX	73,000.00	31,915.09	32,748.13	31,915.09
RECREATIONAL VEHICLE TAX	2,775.00	516.80	624.85	516.80
Total Revenues	\$1,217,200.00	\$692,213.46	\$690,469.45	\$692,213.46
<u>PARK DEVELOPMENT FUND-REVENUE</u>				
MISCELLANEOUS REVENUE	0.00	0.00	0.00	0.00
Total Revenues	\$0.00	\$0.00	\$0.00	\$0.00
<u>PARKS IMPROVEMENT FUND-REVENUE</u>				
DOG PARK DONATIONS	0.00	0.00	0.00	0.00
MISCELLANEOUS REVENUE	0.00	40,000.00	0.00	40,000.00
Total Revenues	\$0.00	\$40,000.00	\$0.00	\$40,000.00
<u>PUBLIC SAFETY REVENUES</u>				
ANIMAL CONTROL REVENUE	3,000.00	450.00	285.00	450.00
COURT APPOINTED REIMBURSEMENT	0.00	0.00	239.76	0.00
COURT COSTS	80,000.00	11,325.00	11,572.52	11,325.00
COURT FINES	530,000.00	44,616.50	56,074.17	44,616.50
LOCAL LAB FEES	0.00	0.00	0.00	0.00
Total Revenues	\$613,000.00	\$56,391.50	\$68,171.45	\$56,391.50
<u>PUBLIC WORKS REVENUES</u>				
GRAVE OPENING	4,000.00	800.00	0.00	800.00
SALE OF CEMETERY LOTS	6,300.00	2,125.00	1,025.00	2,125.00
Total Revenues	\$10,300.00	\$2,925.00	\$1,025.00	\$2,925.00
<u>RISK MANAGEMENT REVENUES</u>				
INSURANCE REFUNDS	0.00	0.00	0.00	0.00
MISCELLANEOUS REVENUE	0.00	0.00	0.00	0.00
TRANSFER FROM EMPLOYEE BENEFIT	0.00	0.00	0.00	0.00
TRANSFERS	0.00	0.00	0.00	0.00
Total Revenues	\$0.00	\$0.00	\$0.00	\$0.00
<u>SOLID WASTE FUND REVENUES</u>				
INTEREST ON INVESTMENTS	1,100.00	20.99	219.64	20.99
MISCELLANEOUS REVENUE	40,000.00	1,963.30	2,116.60	1,968.30
PRIOR YEAR ENCUMBRANCE	0.00	0.00	0.00	0.00
REFUSE COLLECTION	1,250,000.00	106,109.01	105,669.37	106,109.01
YARD WASTE TAGS	1,900.00	0.00	5.25	0.00
Total Revenues	\$1,293,000.00	\$108,093.30	\$108,010.86	\$108,098.30

	<u>Budgeted</u> <u>2014</u>	<u>Collections</u> <u>Current Mo.</u>	<u>Collections</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Collections</u> <u>Current YTD</u>
<u>SPECIAL ALCOHOL FUND REVENUES</u>				
LOCAL ALCOHOL LIQUOR TAX	132,061.00	0.00	0.00	0.00
Total Revenues	<u>\$132,061.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
<u>SPECIAL HIGHWAY REVENUES</u>				
CONNECTING LINK MAINTENANCE	44,730.00	11,281.98	11,281.98	11,281.98
INTEREST ON INVESTMENTS	0.00	0.00	0.00	0.00
MISCELLANEOUS REVENUE	0.00	0.00	0.00	0.00
PRIOR YEAR ENCUMBRANCE	0.00	0.00	0.00	0.00
STATE GASOLINE TAX	539,870.00	136,635.52	135,317.42	136,635.52
TRANSFER FROM CAPITAL PROJECTS	0.00	0.00	0.00	0.00
Total Revenues	<u>\$584,600.00</u>	<u>\$147,917.50</u>	<u>\$146,599.40</u>	<u>\$147,917.50</u>
<u>SPECIAL PRK & REC REVENUES</u>				
DOG PARK DONATIONS	0.00	0.00	0.00	0.00
LOCAL ALCOHOL LIQUOR TAX	132,061.00	0.00	0.00	0.00
MISCELLANEOUS REVENUE	0.00	0.00	1,000.00	0.00
Total Revenues	<u>\$132,061.00</u>	<u>\$0.00</u>	<u>\$1,000.00</u>	<u>\$0.00</u>
<u>SPORTS COMPLEX-REVENUES</u>				
LOCAL SALES TAX	0.00	0.00	0.00	0.00
MISCELLANEOUS REVENUE	0.00	0.00	16,000.00	0.00
PRIOR YEAR ENCUMBRANCE	0.00	0.00	0.00	0.00
Total Revenues	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$16,000.00</u>	<u>\$0.00</u>
<u>STORMWATER MANAGEMENT REVENUES</u>				
MISCELLANEOUS REVENUE	0.00	0.00	0.00	0.00
STORMWATER FEE	767,000.00	58,747.72	58,487.01	58,747.72
TRANSFER FROM GENERAL FUND	16,500.00	0.00	0.00	0.00
TRANSFER FROM WATER/SEWER FUND	0.00	0.00	0.00	0.00
Total Revenues	<u>\$783,500.00</u>	<u>\$58,747.72</u>	<u>\$58,487.01</u>	<u>\$58,747.72</u>
<u>TDD SLS TAX REVENUES</u>				
LOCAL SALES TAX	(56,562.92)	4,005.91	16,230.02	4,005.91
Total Revenues	<u>(\$56,562.92)</u>	<u>\$4,005.91</u>	<u>\$16,230.02</u>	<u>\$4,005.91</u>
<u>WATER & SEWER FUND REVENUES</u>				
DEVELOPER CONTRIBUTION	0.00	0.00	0.00	0.00
FEDERAL & STATE GRANTS	0.00	0.00	0.00	0.00
INTEREST ON INVESTMENTS	15,000.00	510.85	4,556.43	510.85
INTEREST-SALES TAX COLLECTION	45,000.00	1,609.51	14,031.98	1,609.51
LOCAL SALES TAX	2,922,295.00	250,715.00	241,082.00	250,715.00
MISCELLANEOUS REVENUE	10,000.00	996.38	1,402.35	996.38
NOTE/BOND PROCEEDS	0.00	0.00	0.00	0.00
PENALTY	25,000.00	2,972.61	2,426.77	4,077.91
PRIOR YEAR ENCUMBRANCE	0.00	0.00	0.00	0.00
R-9 RANCH REVENUE	250,000.00	0.00	0.00	0.00
SEWER SERVICE CHARGES	2,117,682.00	191,993.68	191,194.77	278,809.68
STORMWATER FEE	0.00	0.00	0.00	0.00
TAPS-TURN ONS	35,000.00	4,535.69	3,908.00	5,195.69
TRANSFER FROM SOLID WASTE FUND	0.00	0.00	0.00	0.00
TRANSFER FROM SPECIAL HIGHWAY	0.00	0.00	0.00	0.00
TRANSFER FROM WATER SLS TAX	270,331.00	0.00	0.00	0.00
TRANSFERS	0.00	0.00	0.00	0.00
WATER SALES	2,701,252.00	205,951.01	208,767.11	308,483.09
WATER SALES-CONSERVATION RATE	375,950.00	19,255.72	23,234.75	21,298.45
WATER VIOLATION	0.00	0.00	0.00	0.00
Total Revenues	<u>\$8,767,510.00</u>	<u>\$678,540.45</u>	<u>\$690,604.16</u>	<u>\$871,696.56</u>
Grand Totals	<u>\$31,554,301.08</u>	<u>\$5,421,414.03</u>	<u>\$5,197,043.25</u>	<u>\$5,639,787.62</u>

City of Hays Expenditures

Month of January 2015

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Current Year</u> <u>Expenses YTD</u>
<u>48TH/ ROTH AVE CID-EXPENDITURE</u>				
OTHER CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00
Total Expenditures	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
<u>AIRPORT FUND EXPENDITURES</u>				
COMMUNICATION	3,000.00	0.00	0.00	0.00
CONTINGENCY	50,000.00	0.00	0.00	0.00
ELECTRICITY	38,000.00	3,076.94	2,849.61	3,076.94
GENERAL SUPPLIES & MATERIALS	28,400.00	19.78	1,098.28	19.78
GRANT FUNDING	0.00	0.00	0.00	0.00
LEGAL PUBLICATIONS & PRINTING	500.00	0.00	0.00	0.00
NATURAL GAS	8,000.00	1,637.82	1,217.13	1,637.82
NEIGHBORHOOD REVIT REBATE	552.00	286.55	290.33	286.55
NEW EQUIPMENT	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	25,000.00	235.00	0.00	345.00
OVERTIME	2,000.00	556.31	0.00	673.99
PROFESSIONAL SERVICES	1,000.00	0.00	0.00	0.00
PROJECTS	0.00	0.00	0.00	0.00
PROMOTIONS	15,000.00	0.00	0.00	0.00
REPAIRS TO BLDGS & STRUCTURES	24,000.00	0.00	1,228.00	0.00
SALARIES	89,800.00	6,283.85	7,005.73	9,425.77
SEASONAL/PART TIME	5,000.00	0.00	0.00	0.00
TAX INCREMENT FINANCING DIST	2,754.00	1,353.98	1,374.78	1,353.98
TRANSFER TO AIRPORT IMPROVEMEN	78,790.00	0.00	0.00	0.00
TRANSFER TO BOND & INTEREST	0.00	0.00	0.00	0.00
TRANSFER TO EMPLOYEE BENEFIT	0.00	0.00	0.00	0.00
TRANSFER TO GENERAL FUND	0.00	0.00	0.00	0.00
TRANSFER TO NEW EQUIP. RESERVE	6,053.00	0.00	0.00	0.00
TRANSFERS	0.00	0.00	0.00	0.00
TRAVEL & TRAINING	3,000.00	0.00	275.00	0.00
UNIFORMS	800.00	0.00	0.00	44.28
Total Expenditures	<u>\$381,649.00</u>	<u>\$13,450.23</u>	<u>\$15,338.86</u>	<u>\$16,864.11</u>
<u>BALLFIELD MAINTENANCE</u>				
BUILDINGS & STRUCTURES	0.00	0.00	0.00	0.00
CHEMICALS	7,000.00	0.00	0.00	0.00
COMMUNICATION	600.00	0.00	0.00	0.00
ELECTRICITY	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	1,500.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	11,500.00	0.00	0.00	0.00
NATURAL GAS	0.00	0.00	0.00	0.00
NEW EQUIPMENT	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	6,000.00	0.00	0.00	14.03
PROJECTS	0.00	0.00	0.00	0.00
RENTALS	500.00	0.00	0.00	0.00
REPAIRS TO BLDGS & STRUCTURES	9,000.00	0.00	0.00	0.00
TRAVEL & TRAINING	200.00	0.00	0.00	0.00
UNIFORMS	0.00	0.00	0.00	0.00
Total Expenditures	<u>\$36,300.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$14.03</u>

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Current Year</u> <u>Expenses YTD</u>
<u>BICKLE-SCHMIDT SPORTS COMPLEX</u>				
BUILDINGS & STRUCTURES	0.00	0.00	0.00	0.00
CHEMICALS	18,000.00	0.00	0.00	0.00
COMMUNICATION	600.00	0.00	0.00	0.00
CONTINGENCY	0.00	0.00	0.00	0.00
ELECTRICITY	55,000.00	3,984.80	5,058.94	3,984.80
EQUIPMENT EXPENSE	4,500.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
FUEL EXPENSE	8,000.00	0.00	0.00	0.00
FUEL EXPENSE	0.00	0.00	0.00	0.00
FUEL EXPENSE	0.00	0.00	0.00	0.00
FUEL EXPENSE	0.00	0.00	0.00	0.00
FUEL EXPENSE	0.00	0.00	0.00	0.00
FUEL EXPENSE	0.00	0.00	0.00	0.00
FUEL EXPENSE	0.00	0.00	0.00	0.00
FUEL EXPENSE	0.00	45.70	33.29	45.70
FUEL EXPENSE	0.00	0.00	0.00	0.00
FUEL EXPENSE	0.00	0.00	0.00	0.00
FUEL EXPENSE	0.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	35,700.00	0.00	0.00	0.00
NATURAL GAS	3,000.00	67.49	67.92	67.49
NEW EQUIPMENT	8,500.00	0.00	0.00	3,100.00
OFFICE SUPPLIES	300.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	7,000.00	0.00	0.00	28.05
OVERTIME	2,000.00	0.00	18.83	0.00
PROJECTS	0.00	0.00	0.00	0.00
RENTALS	1,200.00	0.00	0.00	0.00
REPAIRS TO BLDGS & STRUCTURES	8,000.00	0.00	0.00	0.00
SALARIES	24,626.00	1,440.42	2,008.27	1,440.42
SEASONAL/PART TIME	28,900.00	0.00	0.00	0.00
TRANSFER TO NEW EQUIP. RESERVE	19,525.00	0.00	0.00	0.00
TRAVEL & TRAINING	400.00	0.00	0.00	0.00
UNIFORMS	800.00	0.00	0.00	8.68
Total Expenditures	<u>\$226,051.00</u>	<u>\$5,538.41</u>	<u>\$7,187.25</u>	<u>\$8,675.14</u>
<u>BOND & INTEREST EXPENDITURES</u>				
BOND PRINCIPAL	990,000.00	0.00	0.00	0.00
CASH BASIS RESERVE	60,000.00	0.00	0.00	0.00
ECONOMIC DEVELOPMENT BONDS	0.00	0.00	0.00	0.00
INTEREST COUPONS	389,304.00	0.00	0.00	0.00
INTEREST ON TEMPORARY NOTE	0.00	0.00	0.00	0.00
INTEREST ON TIF	0.00	0.00	0.00	0.00
LEVY STABILIZATION	0.00	0.00	0.00	0.00
NEIGHBORHOOD REVIT REBATE	2,123.00	1,100.36	1,183.38	1,100.36
OTHER CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00
TAX INCREMENT FINANCING DIST	11,221.00	5,199.48	5,603.42	5,199.48
TRANSFER TO RESERVE FOR TIF	0.00	0.00	0.00	0.00
Total Expenditures	<u>\$1,452,648.00</u>	<u>\$6,299.84</u>	<u>\$6,786.80</u>	<u>\$6,299.84</u>

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Current Year</u> <u>Expenses YTD</u>
<u>BUILDINGS & GROUNDS</u>				
COMMUNICATION	0.00	0.00	0.00	0.00
ELECTRICITY	452,000.00	32,247.50	31,454.18	32,323.17
GENERAL SUPPLIES & MATERIALS	4,000.00	0.00	0.00	0.00
NATURAL GAS	30,000.00	4,106.42	5,030.57	4,106.42
NEW EQUIPMENT	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	26,060.00	1,280.66	740.00	2,276.24
PROJECTS	0.00	0.00	0.00	0.00
REPAIRS TO BLDGS & STRUCTURES	5,000.00	0.00	877.38	0.00
Total Expenditures	\$517,060.00	\$37,634.58	\$38,102.13	\$38,705.83
<u>CEMETERIES</u>				
BUILDINGS & STRUCTURES	0.00	0.00	0.00	0.00
CHEMICALS	3,000.00	0.00	0.00	0.00
COMMUNICATION	200.00	0.00	0.00	0.00
ELECTRICITY	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	1,700.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	7,400.00	0.00	0.00	0.00
NEW EQUIPMENT	800.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	1,200.00	0.00	0.00	0.00
PROJECTS	0.00	0.00	0.00	0.00
RENTALS	200.00	0.00	0.00	0.00
REPAIRS TO BLDGS & STRUCTURES	5,500.00	0.00	0.00	0.00
TRAVEL & TRAINING	300.00	0.00	0.00	0.00
UNIFORMS	0.00	0.00	0.00	0.00
Total Expenditures	\$20,300.00	\$0.00	\$0.00	\$0.00
<u>CITY ATTORNEY</u>				
LEGAL PUBLICATIONS & PRINTING	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	1,000.00	400.00	35.00	400.00
PROFESSIONAL SERVICES	100,000.00	6,500.00	6,500.00	6,500.00
Total Expenditures	\$101,000.00	\$6,900.00	\$6,535.00	\$6,900.00
<u>CITY COMMISSION</u>				
COMMUNICATION	0.00	0.00	0.00	0.00
FINANCIAL POLICY PROJ-CAPITAL	1,457,534.00	0.00	0.00	0.00
FINANCIAL POLICY PROJ-CAPITAL	0.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	1,500.00	220.00	0.00	400.00
LEGAL PUBLICATIONS & PRINTING	500.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	500.00	50.00	50.00	50.00
PROFESSIONAL SERVICES	0.00	0.00	0.00	0.00
PROJECTS	0.00	0.00	0.00	0.00
SALARIES	9,000.00	750.00	750.00	750.00
TRAVEL & TRAINING	20,000.00	10.20	0.00	95.20
Total Expenditures	\$1,489,034.00	\$1,030.20	\$800.00	\$1,295.20
<u>CITY MANAGER</u>				
COMMUNICATION	3,700.00	0.00	0.00	0.00
CONTINGENCY	100,000.00	0.00	0.00	0.00
EXPENSE ALLOWANCE-CAR	0.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	2,200.00	0.00	0.00	180.00
LEGAL PUBLICATIONS & PRINTING	0.00	0.00	0.00	0.00
NEW EQUIPMENT	0.00	0.00	0.00	0.00
ORGANIZATION DEVELOPMENT	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	35,000.00	15,405.29	14,293.78	15,405.29
OVERTIME	3,500.00	216.11	559.62	324.17
PROFESSIONAL SERVICES	0.00	0.00	0.00	0.00
PROJECTS	0.00	0.00	0.00	0.00
SALARIES	313,557.00	22,821.15	22,568.51	36,683.09
TRAVEL & TRAINING	29,000.00	10.20	4,710.52	461.35
Total Expenditures	\$486,957.00	\$38,452.75	\$42,132.43	\$53,053.90

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Current Year</u> <u>Expenses YTD</u>
<u>CVB EXPENDITURES</u>				
COMMUNICATION	6,000.00	0.00	0.00	0.00
CONTINGENCY	416,357.00	0.00	0.00	0.00
ELECTRICITY	9,000.00	803.37	763.55	803.37
GENERAL SUPPLIES & MATERIALS	0.00	0.00	0.00	0.00
GRANT FUNDING	0.00	0.00	0.00	0.00
LEGAL PUBLICATIONS & PRINTING	90,000.00	2,350.00	1,225.00	3,225.00
NATURAL GAS	1,500.00	201.36	181.24	201.36
NEW EQUIPMENT	0.00	0.00	0.00	0.00
OFFICE SUPPLIES	5,000.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	80,000.00	10,675.15	8,557.86	12,975.15
OUTSIDE AGENCIES	64,181.00	59,130.00	0.00	59,130.00
OVERTIME	1,500.00	87.18	0.00	87.18
PROJECTS	74,000.00	0.00	0.00	0.00
PROMOTIONS	80,000.00	1,450.00	0.00	1,450.00
RENTALS	0.00	0.00	0.00	0.00
REPAIRS TO BLDGS & STRUCTURES	6,000.00	609.00	0.00	959.50
SALARIES	227,753.00	7,534.38	15,872.73	11,542.27
SEASONAL/PART TIME	8,150.00	116.00	0.00	137.75
TRANSFER TO EMPLOYEE BENEFIT	81,885.00	0.00	0.00	0.00
TRANSFER TO GENERAL FUND	65,450.00	0.00	0.00	0.00
TRANSFER TO NEW EQUIP. RESERVE	2,760.00	0.00	0.00	0.00
TRANSFERS	0.00	0.00	0.00	0.00
TRAVEL & TRAINING	7,000.00	0.00	161.00	170.00
Total Expenditures	<u>\$1,226,536.00</u>	<u>\$82,956.44</u>	<u>\$26,761.38</u>	<u>\$90,681.58</u>
<u>DEBT SERVICE</u>				
INT-REVENUE BND PAYMENT 2009A	129,070.00	10,755.83	11,349.58	10,755.83
INTEREST-REVENUE BOND	0.00	0.00	0.00	0.00
PRINCIPAL & INT. REVOLVING LOA	0.00	0.00	33,282.74	0.00
PRINCIPAL PAYMENT-SLS TX BOND	0.00	0.00	0.00	0.00
PWWSD #15	0.00	0.00	0.00	0.00
REV BOND PAYMENT 2009-A	290,000.00	24,166.66	23,750.00	24,166.66
REVENUE BOND PAYMENT	0.00	0.00	0.00	0.00
SALES TAX BOND ISSUE-INTEREST	0.00	0.00	0.00	0.00
UNAMORTIZED 1996 BOND IS.COST	0.00	0.00	0.00	0.00
WATER EXPLORATION	0.00	0.00	0.00	0.00
Total Expenditures	<u>\$419,070.00</u>	<u>\$34,922.49</u>	<u>\$68,382.32</u>	<u>\$34,922.49</u>
<u>DEBT SERVICE - SALES TAX</u>				
PRINCIPAL PAYMENT-SLS TX BOND	0.00	0.00	0.00	0.00
PWWSD #15	0.00	0.00	0.00	0.00
SALES TAX BOND ISSUE-INTEREST	0.00	0.00	0.00	0.00
TRANSFER-SALES TAX RESERVE	0.00	0.00	0.00	0.00
UNAMORTIZED 1996 BOND IS.COST	0.00	0.00	0.00	0.00
WATER EXPLORATION	0.00	0.00	0.00	0.00
Total Expenditures	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
<u>DISPATCH</u>				
COMMUNICATION	2,550.00	0.00	0.00	0.00
CONTINGENCY	5,000.00	0.00	0.00	0.00
LEGAL PUBLICATIONS & PRINTING	2,500.00	0.00	0.00	0.00
OFFICE SUPPLIES	900.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	2,700.00	0.00	185.85	0.00
OVERTIME	47,165.00	8,347.95	9,168.82	9,249.52
SALARIES	495,307.00	36,377.35	33,759.35	55,648.32
TRAVEL & TRAINING	9,000.00	0.00	0.00	45.00
UNIFORMS	0.00	0.00	0.00	0.00
Total Expenditures	<u>\$565,122.00</u>	<u>\$44,725.30</u>	<u>\$43,114.02</u>	<u>\$64,942.84</u>

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Current Year</u> <u>Expenses YTD</u>
<u>DOJ-EXPENDITURES</u>				
NEW EQUIPMENT	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00
Total Expenditures	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
<u>ECONOMIC DEVELOPMENT</u>				
DOWNTOWN DEVELOPMENT CORP.	0.00	0.00	0.00	0.00
JOB BOUNTY	15,000.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	214,378.00	114,553.00	141,380.00	114,553.00
Total Expenditures	<u>\$229,378.00</u>	<u>\$114,553.00</u>	<u>\$141,380.00</u>	<u>\$114,553.00</u>
<u>ELLIS CO. SALES TAX-EXPENDITUR</u>				
OTHER CONTRACTUAL SERVICES	0.00	149,027.58	0.00	149,027.58
Total Expenditures	<u>\$0.00</u>	<u>\$149,027.58</u>	<u>\$0.00</u>	<u>\$149,027.58</u>
<u>EMPLOYEE BENEFIT EXPENDITURES</u>				
CONTINGENCY	300,000.00	0.00	0.00	0.00
EMPLOYEE RETIREMENT	1,227,679.00	93,668.18	88,851.87	135,225.45
HEALTH INSURANCE	1,719,500.00	299,767.85	261,037.96	299,767.85
NEIGHBORHOOD REVIT REBATE	6,615.00	3,372.94	3,330.17	3,372.94
OTHER CONTRACTUAL SERVICES	48,055.00	3,364.74	3,359.05	6,665.15
PROFESSIONAL SERVICES	0.00	0.00	0.00	0.00
SOCIAL SECURITY	690,522.00	49,188.93	50,188.89	71,620.35
TAX INCREMENT FINANCING DIST	31,578.00	15,937.97	15,768.68	15,937.97
TRANSFER TO BOND & INTEREST	0.00	0.00	0.00	0.00
TRANSFER TO RISK MANAGEMENT	0.00	0.00	0.00	0.00
UNEMPLOYMENT COMPENSATION	18,053.00	3,169.79	7,043.75	3,169.79
WORKERS COMPENSATION	180,000.00	188,631.00	176,639.00	188,631.00
Total Expenditures	<u>\$4,222,002.00</u>	<u>\$657,101.40</u>	<u>\$606,219.37</u>	<u>\$724,390.50</u>
<u>FINANCE/CITY CLERK</u>				
COMMUNICATION	1,300.00	0.00	0.00	0.00
CONTINGENCY	5,000.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	700.00	0.00	0.00	0.00
INSURANCE & SURETY BONDS	0.00	0.00	0.00	0.00
LEGAL PUBLICATIONS & PRINTING	12,000.00	0.00	0.00	1,063.25
NEW EQUIPMENT	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	7,500.00	720.00	600.00	720.00
OVERTIME	500.00	101.86	19.97	224.10
PROFESSIONAL SERVICES	40,000.00	0.00	0.00	0.00
PROJECTS	8,000.00	0.00	0.00	0.00
SALARIES	298,503.00	20,664.35	22,310.36	31,486.46
TRAVEL & TRAINING	7,000.00	0.00	0.00	0.00
Total Expenditures	<u>\$380,503.00</u>	<u>\$21,486.21</u>	<u>\$22,930.33</u>	<u>\$33,493.81</u>

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Current Year</u> <u>Expenses YTD</u>
<u>FIRE DEPARTMENT</u>				
COMMUNICATION	5,700.00	0.00	0.00	0.00
CONTINGENCY	5,000.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	48,700.00	788.96	682.00	788.96
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	303.84	0.00	303.84
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	175.58	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	1,147.24	0.00	1,195.32
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	773.51	0.00	1,014.26
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	195.82	0.00	195.82
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	44,100.00	0.00	0.00	-898.50
GRANT FUNDING	0.00	0.00	0.00	0.00
LEGAL PUBLICATIONS & PRINTING	800.00	0.00	0.00	0.00
NEW EQUIPMENT	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	4,000.00	167.25	143.00	192.25
OVERTIME	124,000.00	19,405.87	18,477.61	19,470.53
PAID PER CALL	22,000.00	1,325.66	1,017.06	1,325.66
PROFESSIONAL SERVICES	0.00	0.00	0.00	0.00
PROJECTS	0.00	0.00	0.00	0.00
REPAIRS TO BLDGS & STRUCTURES	42,000.00	2,211.67	1,096.67	2,211.67
SALARIES	1,077,003.00	77,838.47	81,231.64	116,677.27
TRAINING CERTIFICATION	15,000.00	0.00	0.00	0.00
TRAVEL & TRAINING	33,200.00	1,355.50	2,900.00	1,425.50
UNIFORMS	10,100.00	443.70	0.00	443.70
Total Expenditures	<u>\$1,431,603.00</u>	<u>\$105,957.49</u>	<u>\$105,723.56</u>	<u>\$144,346.28</u>
<u>FIRE INS TRUST EXPENDITURES</u>				
OTHER CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00
Total Expenditures	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
<u>FLEET MAINTENANCE</u>				
Total Expenditures	<u>\$883,076.00</u>	<u>\$30,073.30</u>	<u>\$30,101.36</u>	<u>\$36,426.74</u>

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Current Year</u> <u>Expenses YTD</u>
<u>GOLF COURSE</u>				
BUILDINGS & STRUCTURES	0.00	0.00	0.00	0.00
CHEMICALS	75,000.00	0.00	0.00	0.00
COMMUNICATION	2,800.00	0.00	0.00	0.00
ELECTRICITY	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	2,000.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	29,000.00	0.00	0.00	0.00
LEGAL PUBLICATIONS & PRINTING	0.00	0.00	0.00	0.00
NATURAL GAS	0.00	0.00	0.00	0.00
NEW EQUIPMENT	2,500.00	0.00	0.00	0.00
OFFICE SUPPLIES	400.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	33,800.00	1,885.00	1,750.00	1,940.00
OVERTIME	7,000.00	0.00	0.00	0.00
PRO SHOP CR CARD ACTIVITY	0.00	(523.43)	0.33	-402.34
PROJECTS	70,000.00	0.00	0.00	0.00
RENTALS	1,500.00	0.00	0.00	0.00
REPAIRS TO BLDGS & STRUCTURES	12,000.00	0.00	0.00	0.00
SALARIES	132,729.00	9,912.23	9,024.63	14,868.35
SEASONAL/PART TIME	43,400.00	0.00	0.00	0.00
TRAVEL & TRAINING	2,800.00	0.00	0.00	0.00
UNIFORMS	1,000.00	0.00	0.00	0.00
Total Expenditures	\$415,929.00	\$11,273.80	\$10,774.96	\$16,406.01
<u>GOLF COURSE IMPR. EXPENDITURES</u>				
GENERAL SUPPLIES & MATERIALS	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00
PROFESSIONAL SERVICES	0.00	0.00	0.00	0.00
REPAIRS TO BLDGS & STRUCTURES	0.00	0.00	0.00	0.00
Total Expenditures	\$0.00	\$0.00	\$0.00	\$0.00
<u>H DEPOT ECON DEV BND-EXPENDITURE</u>				
BOND PRINCIPAL	125,000.00	0.00	0.00	0.00
INTEREST COUPONS	90,524.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00
Total Expenditures	\$215,524.00	\$0.00	\$0.00	\$0.00
<u>HUMAN RESOURCES</u>				
COMMUNICATION	1,000.00	0.00	0.00	0.00
LEGAL PUBLICATIONS & PRINTING	11,000.00	210.00	0.00	1,161.25
ORGANIZATION DEVELOPMENT	29,500.00	886.90	622.90	999.90
OTHER CONTRACTUAL SERVICES	2,500.00	0.00	20.00	0.00
OVERTIME	250.00	0.00	207.01	0.00
PROFESSIONAL SERVICES	42,200.00	650.00	625.00	1,372.50
PROJECTS	0.00	0.00	0.00	0.00
SALARIES	113,409.00	7,702.79	8,258.06	11,554.19
TRAVEL & TRAINING	5,000.00	10.20	0.00	10.20
Total Expenditures	\$204,859.00	\$9,459.89	\$9,732.97	\$15,098.04
<u>INFORMATION TECHNOLOGY</u>				
COMMUNICATION	3,550.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	9,250.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	3,500.00	0.00	0.00	0.00
LEGAL PUBLICATIONS & PRINTING	0.00	0.00	0.00	0.00
NEW EQUIPMENT	26,780.00	0.00	0.00	0.00
OFFICE SUPPLIES	15,450.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	187,260.00	56,618.32	21,029.41	58,091.52
OVERTIME	1,200.00	0.00	0.00	0.00
PROJECTS	0.00	0.00	0.00	0.00
SALARIES	283,185.00	20,713.86	20,308.47	31,070.79
TRAVEL & TRAINING	15,750.00	10.20	0.00	10.20
Total Expenditures	\$545,925.00	\$77,342.38	\$41,337.88	\$89,172.51

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Current Year</u> <u>Expenses YTD</u>
<u>INTERGOVERNMENTAL ACCOUNT</u>				
COMMUNICATION	55,500.00	3,049.89	3,000.00	3,049.89
EQUIPMENT EXPENSE	0.00	0.00	0.00	0.00
INSURANCE & SURETY BONDS	250,000.00	0.00	5,470.00	0.00
OFFICE SUPPLIES	24,500.00	0.00	95.38	0.00
OTHER CONTRACTUAL SERVICES	12,500.00	1,588.37	783.10	1,588.37
Total Expenditures	<u>\$342,500.00</u>	<u>\$4,638.26</u>	<u>\$9,348.48</u>	<u>\$4,638.26</u>
<u>LIBRARY EMP. BENEFIT EXPENDITURE</u>				
NEIGHBORHOOD REVIT REBATE	450.00	233.30	247.14	233.30
OTHER CONTRACTUAL SERVICES	179,200.00	0.00	0.00	101,599.61
TAX INCREMENT FINANCING DIST	2,343.00	1,102.39	1,170.26	1,102.39
Total Expenditures	<u>\$181,993.00</u>	<u>\$1,335.69</u>	<u>\$1,417.40</u>	<u>\$102,935.30</u>
<u>LIBRARY FUND EXPENDITURES</u>				
NEIGHBORHOOD REVIT REBATE	3,000.00	1,592.44	1,622.76	1,592.44
OTHER CONTRACTUAL SERVICES	1,227,000.00	0.00	0.00	692,213.46
TAX INCREMENT FINANCING DIST	15,388.00	7,524.65	7,683.88	7,524.65
Total Expenditures	<u>\$1,245,388.00</u>	<u>\$9,117.09</u>	<u>\$9,306.64</u>	<u>\$701,330.55</u>
<u>MUNICIPAL COURT</u>				
INSURANCE & SURETY BONDS	0.00	0.00	0.00	0.00
NEW EQUIPMENT	0.00	0.00	0.00	0.00
OFFICE SUPPLIES	1,200.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	6,700.00	220.88	243.55	443.76
OVERTIME	3,000.00	119.69	39.12	119.69
PROFESSIONAL SERVICES	35,000.00	1,800.00	1,800.00	1,800.00
PROJECTS	0.00	0.00	0.00	0.00
SAFE RIDE	0.00	0.00	0.00	0.00
SALARIES	113,313.00	9,190.30	9,010.02	13,288.31
TRAVEL & TRAINING	1,000.00	100.00	0.00	100.00
Total Expenditures	<u>\$160,213.00</u>	<u>\$11,430.87</u>	<u>\$11,092.69</u>	<u>\$15,751.76</u>
<u>P.W.-GENERAL ADMINISTRATION</u>				
COMMUNICATION	3,300.00	0.00	0.00	0.00
CONTINGENCY	5,000.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	5,000.00	0.00	0.00	149.21
OFFICE SUPPLIES	5,100.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	2,200.00	0.00	0.00	0.00
OVERTIME	500.00	0.00	0.00	0.00
PROFESSIONAL SERVICES	20,000.00	0.00	0.00	1,932.00
PROJECTS	0.00	0.00	0.00	0.00
SALARIES	239,756.00	18,222.49	17,254.72	26,535.78
TRAVEL & TRAINING	8,000.00	0.00	0.00	0.00
Total Expenditures	<u>\$288,856.00</u>	<u>\$18,222.49</u>	<u>\$17,254.72</u>	<u>\$28,616.99</u>
<u>PARK DEVELOPMENT EXPENDITURES</u>				
CONTINGENCY	5,027.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00
Total Expenditures	<u>\$5,027.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Current Year</u> <u>Expenses YTD</u>
<u>PARKS & PLAYGROUNDS</u>				
BUILDINGS & STRUCTURES	0.00	0.00	0.00	0.00
CHEMICALS	18,000.00	0.00	0.00	0.00
COMMUNICATION	2,500.00	0.00	0.00	0.00
CONTINGENCY	5,000.00	0.00	0.00	0.00
ELECTRICITY	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	8,000.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	48,500.00	0.00	0.00	0.00
LEGAL PUBLICATIONS & PRINTING	0.00	0.00	0.00	0.00
NATURAL GAS	0.00	0.00	0.00	0.00
NEW EQUIPMENT	4,300.00	0.00	0.00	0.00
OFFICE SUPPLIES	800.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	24,000.00	7,000.00	0.00	7,218.04
OVERTIME	10,000.00	1,078.82	266.14	1,137.91
PROFESSIONAL SERVICES	0.00	0.00	0.00	0.00
PROJECTS	0.00	0.00	0.00	0.00
RENTALS	800.00	0.00	0.00	0.00
REPAIRS TO BLDGS & STRUCTURES	19,900.00	0.00	0.00	0.00
SALARIES	622,941.00	45,289.29	45,013.95	67,933.97
SEASONAL/PART TIME	97,920.00	0.00	0.00	0.00
TRAVEL & TRAINING	4,000.00	121.28	0.00	121.28
UNIFORMS	5,100.00	0.00	0.00	346.69
Total Expenditures	<u>\$871,761.00</u>	<u>\$53,489.39</u>	<u>\$45,280.09</u>	<u>\$76,757.89</u>
<u>PARKS IMPROVEMENT FUND-EXPEND</u>				
OTHER CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00
PROJECTS	0.00	0.00	0.00	0.00
Total Expenditures	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
<u>PLANNING INSPECTION ENFORCEMEN</u>				
COMMUNICATION	6,700.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	3,000.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	1,500.00	0.00	0.00	0.00
LEGAL PUBLICATIONS & PRINTING	0.00	0.00	0.00	0.00
NEW EQUIPMENT	0.00	0.00	0.00	0.00
OFFICE SUPPLIES	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	7,000.00	52.37	173.07	52.37
OVERTIME	8,000.00	130.27	37.89	182.30
PROFESSIONAL SERVICES	0.00	0.00	0.00	0.00
PROJECTS	26,680.00	0.00	0.00	0.00
SALARIES	277,888.00	20,438.49	19,837.44	30,657.73
SEASONAL/PART TIME	11,822.00	993.15	1,055.80	1,579.47
TRAVEL & TRAINING	20,000.00	0.00	0.00	10.83
UNIFORMS	1,200.00	0.00	0.00	0.00
Total Expenditures	<u>\$363,790.00</u>	<u>\$21,614.28</u>	<u>\$21,104.20</u>	<u>\$32,482.70</u>

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Current Year</u> <u>Expenses YTD</u>
<u>PUBLIC WORKS-SERVICE DIVISION</u>				
COMMUNICATION	1,700.00	0.00	0.00	0.00
ELECTRICITY	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	48,000.00	0.00	663.43	0.00
GENERAL SUPPLIES & MATERIALS	190,000.00	1,218.74	643.25	1,973.41
GRANT FUNDING	0.00	0.00	0.00	0.00
LEGAL PUBLICATIONS & PRINTING	0.00	0.00	0.00	0.00
NATURAL GAS	0.00	0.00	0.00	0.00
NEW EQUIPMENT	41,000.00	0.00	0.00	0.00
OFFICE SUPPLIES	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	15,000.00	741.94	0.00	1,186.20
OVERTIME	15,900.00	4,186.43	1,146.54	4,204.03
PROFESSIONAL SERVICES	0.00	0.00	0.00	0.00
PROJECTS	0.00	0.00	0.00	0.00
RENTALS	2,500.00	0.00	0.00	72.00
REPAIRS TO BLDGS & STRUCTURES	0.00	0.00	0.00	0.00
SALARIES	606,563.00	37,984.05	38,017.84	57,343.23
SEASONAL/PART TIME	0.00	0.00	0.00	0.00
TRANSFERS	0.00	0.00	0.00	0.00
TRAVEL & TRAINING	6,700.00	0.00	0.00	52.98
UNIFORMS	6,200.00	0.00	0.00	423.13
Total Expenditures	<u>\$933,563.00</u>	<u>\$44,131.16</u>	<u>\$40,471.06</u>	<u>\$65,254.98</u>
<u>QUALITY OF LIFE</u>				
OTHER CONTRACTUAL SERVICES	0.00	0.00	35,303.00	0.00
Total Expenditures	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$35,303.00</u>	<u>\$0.00</u>
<u>RISK MGT. FUND EXPENDITURES</u>				
CONTINGENCY	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00
TRANSFER TO EMPLOYEE BENEFIT	0.00	0.00	0.00	0.00
Total Expenditures	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>
<u>SOCIAL SERVICES</u>				
OTHER CONTRACTUAL SERVICES	164,000.00	0.00	82,000.00	0.00
TRANSFERS	0.00	0.00	0.00	0.00
Total Expenditures	<u>\$164,000.00</u>	<u>\$0.00</u>	<u>\$82,000.00</u>	<u>\$0.00</u>

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Current Year</u> <u>Expenses YTD</u>
<u>SOLID WASTE FUND EXPENDITURE</u>				
COMMUNICATION	1,300.00	0.00	0.00	0.00
CONTINGENCY	50,000.00	0.00	0.00	0.00
DEBT SERVICES	0.00	0.00	0.00	0.00
DEPRECIATION EXPENSE	0.00	0.00	0.00	0.00
ELECTRICITY	4,200.00	322.83	373.44	322.83
EQUIPMENT EXPENSE	10,900.00	215.45	0.00	215.45
GENERAL SUPPLIES & MATERIALS	23,240.00	0.00	0.00	0.00
LEGAL PUBLICATIONS & PRINTING	2,000.00	0.00	0.00	0.00
NATURAL GAS	2,400.00	517.35	439.02	517.35
NEW EQUIPMENT	5,900.00	0.00	0.00	0.00
OFFICE SUPPLIES	550.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	387,080.00	55.00	0.00	2,123.72
OVERTIME	5,500.00	756.97	691.58	756.97
PROFESSIONAL SERVICES	0.00	0.00	0.00	0.00
PROJECTS	0.00	0.00	0.00	0.00
RENTALS	0.00	0.00	0.00	0.00
REPAIRS TO BLDGS & STRUCTURES	3,600.00	0.00	0.00	0.00
SALARIES	360,086.00	25,662.97	25,458.80	38,494.48
SEASONAL/PART TIME	0.00	0.00	0.00	0.00
TRANSFER TO EMPLOYEE BENEFIT	174,778.00	0.00	0.00	0.00
TRANSFER TO GENERAL FUND	250,000.00	0.00	0.00	0.00
TRANSFER TO RESERVES	114,860.00	0.00	0.00	0.00
TRANSFER TO WATER/SEWER FUND	0.00	0.00	0.00	0.00
TRANSFERS	0.00	0.00	0.00	0.00
TRAVEL & TRAINING	800.00	0.00	0.00	0.00
UNIFORMS	4,000.00	0.00	0.00	220.73
UTILITY-WATER	410.00	0.00	0.00	0.00
Total Expenditures	<u>\$1,401,604.00</u>	<u>\$27,530.57</u>	<u>\$26,962.84</u>	<u>\$42,651.53</u>
<u>SPECIAL ALCOHOL FUND EXPENDITURE</u>				
CONTINGENCY	164,852.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	60,000.00	0.00	30,000.00	0.00
TRANSFER TO EMPLOYEE BENEFIT	28,900.00	0.00	0.00	0.00
TRANSFER TO GENERAL FUND	62,934.00	0.00	0.00	0.00
TRANSFERS	0.00	0.00	0.00	0.00
Total Expenditures	<u>\$316,686.00</u>	<u>\$0.00</u>	<u>\$30,000.00</u>	<u>\$0.00</u>

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Current Year</u> <u>Expenses YTD</u>
<u>SPECIAL HIGHWAY EXPENDITURES</u>				
2001 SIDEWALK RAMPS	0.00	0.00	0.00	0.00
BUDGETED CAPITAL PROJECTS	658,082.00	0.00	0.00	0.00
BUDGETED CAPITAL PROJECTS	0.00	0.00	0.00	0.00
BUDGETED CAPITAL PROJECTS	0.00	0.00	0.00	0.00
BUDGETED CAPITAL PROJECTS	0.00	0.00	0.00	0.00
BUDGETED CAPITAL PROJECTS	0.00	0.00	0.00	0.00
BUDGETED CAPITAL PROJECTS	0.00	0.00	0.00	0.00
BUDGETED CAPITAL PROJECTS	0.00	0.00	0.00	0.00
BUDGETED CAPITAL PROJECTS	0.00	0.00	0.00	0.00
BUDGETED CAPITAL PROJECTS	0.00	0.00	0.00	0.00
BUDGETED CAPITAL PROJECTS	0.00	0.00	13.80	0.00
BUDGETED CAPITAL PROJECTS	0.00	0.00	0.00	0.00
BUDGETED CAPITAL PROJECTS	0.00	0.00	0.00	0.00
CONTINGENCY	50,000.00	0.00	0.00	0.00
CORR MGT - GENERAL HAYS RD.	0.00	0.00	0.00	0.00
CORR MGT-REVERSE ACCESS 48-55	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00
TRANSFER TO BOND & INTEREST	0.00	0.00	0.00	0.00
TRANSFER TO EMPLOYEE BENEFIT	0.00	0.00	0.00	0.00
TRANSFER TO GENERAL FUND	0.00	0.00	0.00	0.00
TRANSFER TO WATER/SEWER FUND	0.00	0.00	0.00	0.00
TRANSFERS	0.00	0.00	0.00	0.00
VINE ST.-MILL & OVERLAY--13/27	0.00	0.00	0.00	0.00
Total Expenditures	\$708,082.00	\$0.00	\$13.80	\$0.00
<u>SPECIAL PRK & REC EXPENDITURES</u>				
BUILDINGS & STRUCTURES	0.00	0.00	0.00	0.00
CONTINGENCY	0.00	0.00	0.00	0.00
NEW EQUIPMENT	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00
PROJECTS	283,679.00	933.00	0.00	6,109.00
TRANSFER TO NEW EQUIP. RESERVE	0.00	0.00	0.00	0.00
Total Expenditures	\$283,679.00	\$933.00	\$0.00	\$6,109.00
<u>SPORTS COMPLEX-EXPENDITURES</u>				
OTHER CONTRACTUAL SERVICES	0.00	0.00	0.00	0.00
PROFESSIONAL SERVICES	0.00	0.00	0.00	0.00
TRANSFER TO EMPLOYEE BENEFIT	0.00	0.00	0.00	0.00
TRANSFER TO GENERAL FUND	0.00	0.00	0.00	0.00
Total Expenditures	\$0.00	\$0.00	\$0.00	\$0.00
<u>STORMWATER MANAGEMENT EXPENDIT</u>				
COMMUNICATION	750.00	0.00	0.00	0.00
CONTINGENCY	50,000.00	0.00	0.00	0.00
DEBT SERVICES	250,000.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	7,500.00	0.00	0.00	0.00
NEW EQUIPMENT	0.00	0.00	0.00	0.00
OFFICE SUPPLIES	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	10,000.00	0.00	0.00	0.00
PROFESSIONAL SERVICES	22,000.00	0.00	0.00	0.00
PROJECTS	0.00	0.00	0.00	0.00
SALARIES	52,604.00	3,970.16	2,367.95	5,955.24
TRANSFER TO EMPLOYEE BENEFIT	20,694.00	0.00	0.00	0.00
TRANSFER TO GENERAL FUND	65,195.00	0.00	0.00	0.00
TRANSFER TO NEW EQUIP. RESERVE	1,790.00	0.00	0.00	0.00
TRANSFER TO RESERVES	428,341.00	0.00	0.00	0.00
TRAVEL & TRAINING	2,500.00	10.20	0.00	10.20
UNIFORMS	200.00	0.00	0.00	0.00
Total Expenditures	\$911,574.00	\$3,980.36	\$2,367.95	\$5,965.44

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Current Year</u> <u>Expenses YTD</u>
<u>SWIMMING POOL</u>				
BUILDINGS & STRUCTURES	0.00	0.00	0.00	0.00
CHEMICALS	39,500.00	0.00	0.00	0.00
ELECTRICITY	0.00	0.00	0.00	0.00
EQUIPMENT EXPENSE	10,000.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	10,700.00	0.00	0.00	0.00
INSURANCE & SURETY BONDS	0.00	0.00	0.00	0.00
LEGAL PUBLICATIONS & PRINTING	0.00	0.00	0.00	0.00
NATURAL GAS	0.00	0.00	0.00	0.00
NEW EQUIPMENT	400.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	34,700.00	0.00	0.00	0.00
PROJECTS	0.00	0.00	0.00	0.00
RENTALS	0.00	0.00	0.00	0.00
REPAIRS TO BLDGS & STRUCTURES	5,400.00	0.00	0.00	855.00
TRAVEL & TRAINING	0.00	0.00	0.00	0.00
Total Expenditures	\$100,700.00	\$0.00	\$0.00	\$855.00
<u>TDD SLS TAX EXPENDITURES</u>				
OTHER CONTRACTUAL SERVICES	0.00	21,311.02	19,068.76	25,316.93
Total Expenditures	\$0.00	\$21,311.02	\$19,068.76	\$25,316.93
<u>UTILITIES DEPT./WATER CONSERV.</u>				
COMMUNICATION	500.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	2,500.00	0.00	0.00	0.00
GRANT FUNDING	5,000.00	0.00	0.00	0.00
LEGAL PUBLICATIONS & PRINTING	2,000.00	0.00	0.00	0.00
NEW EQUIPMENT	0.00	0.00	0.00	0.00
OFFICE SUPPLIES	0.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	5,000.00	0.00	0.00	0.00
OVERTIME	2,000.00	0.00	0.00	0.00
PROJECTS	198,000.00	700.00	1,050.00	1,600.00
SALARIES	53,131.00	4,009.87	5,552.59	6,014.81
TRANSFER TO NEW EQUIP. RESERVE	0.00	0.00	0.00	0.00
TRAVEL & TRAINING	2,000.00	628.00	0.00	628.00
UNIFORMS	200.00	0.00	0.00	0.00
Total Expenditures	\$270,331.00	\$5,337.87	\$6,602.59	\$8,242.81
<u>W/S NON-OPERATING EXPENDITURES</u>				
CAPITAL EXPENDITURES	0.00	0.00	0.00	0.00
CLEAN DRINKING WATER FEE	20,000.00	0.00	0.00	4,109.40
CONTINGENCY	50,000.00	0.00	0.00	0.00
GRANT FUNDING	0.00	0.00	0.00	0.00
INTEREST ON METER DEPOSITS	1,000.00	21.45	20.06	43.34
OTHER CONTRACTUAL SERVICES	0.00	1,170.50	1,143.69	1,170.50
PROJECTS	0.00	0.00	0.00	0.00
R-9 RANCH EXPENDITURES	315,000.00	0.00	0.00	21,598.00
TRANSFER TO BOND & INTEREST	0.00	0.00	0.00	0.00
TRANSFER TO CAPITAL IMPROVEMEN	973,636.00	0.00	0.00	0.00
TRANSFER TO EMPLOYEE BENEFIT	475,884.00	0.00	0.00	0.00
TRANSFER TO GENERAL FUND	963,787.00	0.00	0.00	0.00
TRANSFER TO NEW EQUIP. RESERVE	52,184.00	0.00	0.00	0.00
TRANSFER TO STORMWATER MGT	0.00	0.00	0.00	0.00
TRANSFER-SALES TAX RESERVE	2,500,000.00	0.00	0.00	0.00
TRNSF TO GEN. FROM WA SLS TX	584,459.00	0.00	0.00	0.00
WATER TAPS, HYDRANTS, METERS	131,840.00	0.00	227.50	0.00
Total Expenditures	\$6,067,790.00	\$1,191.95	\$1,391.25	\$26,921.24

	<u>Budgeted</u> <u>2014</u>	<u>Expenses</u> <u>Current Mo.</u>	<u>Expenses</u> <u>Current Mo.</u> <u>Previous Year</u>	<u>Current Year</u> <u>Expenses YTD</u>
<u>WASTEWATER TREATMENT & COLL.</u>				
CHEMICALS	65,972.00	970.00	0.00	3,301.00
COMMUNICATION	3,000.00	0.00	0.00	0.00
ELECTRICITY	192,050.00	15,564.59	12,508.54	15,564.59
EQUIPMENT EXPENSE	92,400.00	25.00	288.03	1,085.31
GENERAL SUPPLIES & MATERIALS	28,000.00	0.00	0.00	125.65
LEGAL PUBLICATIONS & PRINTING	0.00	0.00	0.00	0.00
NATURAL GAS	27,505.00	2,680.63	2,565.84	2,680.63
OFFICE SUPPLIES	600.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	186,050.00	0.00	515.00	580.00
OVERTIME	17,000.00	1,091.68	2,758.92	1,324.94
PROFESSIONAL SERVICES	29,906.00	0.00	0.00	0.00
PROJECTS	0.00	0.00	0.00	0.00
REPAIRS TO BLDGS & STRUCTURES	30,000.00	0.00	0.00	0.00
SALARIES	438,163.00	33,327.54	34,455.66	49,857.53
SEASONAL/PART TIME	24,145.00	928.48	2,019.57	1,352.92
TRAVEL & TRAINING	4,500.00	20.00	0.00	40.00
UNIFORMS	4,500.00	0.00	0.00	298.37
Total Expenditures	<u>\$1,143,791.00</u>	<u>\$54,607.92</u>	<u>\$55,111.56</u>	<u>\$76,210.94</u>
<u>WATER PRODUCTION & DIST.</u>				
CHEMICALS	517,810.00	7,030.34	1,164.60	30,967.56
COMMUNICATION	5,250.00	0.00	0.00	0.00
ELECTRICITY	275,700.00	18,844.88	19,795.98	21,472.42
EQUIPMENT EXPENSE	57,824.00	0.00	0.00	0.00
GENERAL SUPPLIES & MATERIALS	42,000.00	57.54	0.00	128.04
INSURANCE & SURETY BONDS	0.00	0.00	0.00	0.00
LEGAL PUBLICATIONS & PRINTING	3,150.00	0.00	0.00	0.00
NATURAL GAS	12,450.00	1,347.69	1,381.97	1,347.69
OFFICE SUPPLIES	1,150.00	0.00	0.00	0.00
OTHER CONTRACTUAL SERVICES	94,350.00	554.88	543.23	1,854.88
OVERTIME	22,000.00	3,454.01	3,107.95	5,903.88
PROFESSIONAL SERVICES	15,540.00	0.00	0.00	0.00
PROJECTS	36,806.00	0.00	0.00	0.00
RENTALS	0.00	0.00	0.00	0.00
REPAIRS TO BLDGS & STRUCTURES	4,775.00	0.00	0.00	0.00
SALARIES	581,969.00	36,937.28	40,810.69	56,187.94
SEASONAL/PART TIME	13,661.00	728.28	148.75	1,075.08
TRAVEL & TRAINING	4,500.00	0.00	0.00	0.00
UNIFORMS	5,000.00	0.00	0.00	375.20
Total Expenditures	<u>\$1,693,935.00</u>	<u>\$68,954.90</u>	<u>\$66,953.17</u>	<u>\$119,312.69</u>
Grand Totals	<u>\$35,023,660.00</u>	<u>\$1,951,103.37</u>	<u>\$1,867,348.43</u>	<u>\$3,208,558.01</u>

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 5A

MEETING DATE: 2-26-15

TOPIC:

Mayoral Appointments for Approval

ACTION REQUESTED:

Consider approving Mayoral appointments to the Hays Area Planning Commission.

NARRATIVE:

The following appointments were recommended at the February 12, 2015 City Commission meeting and are now being presented for approval.

Hays Area Planning Commission – 3-year terms

Darrell Hamlin (resides in city limits) – unexpired term to expire 4-30-17 (1st term)

Robert Readle (resides in city limits) – unexpired term to expire 4-30-17 (1st term)

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Mayor Schwaller

ADMINISTRATION RECOMMENDATION:

N/A

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Applications

CITY OF HAYS
APPLICATION FOR SERVING ON A CITY BOARD OR COMMITTEE

Email: dahamlin@fhsu.edu

Date: 1/21/2015

Name: Darrell A. Hamlin

Address: 1611 Elm, Hays, 67601

Day Time Phone Number: (785) 628-5668 (w) ; (785) 259-5911 (cell)

Evening Phone Number: (785) 259-5911

Place of Employment: Department of Justice Studies, FHSU.

How long have you been a Resident of Hays: Moved to Hays in May of 2007. Lived in Ellis from 2009-2012. Moved back to hays in 2012.

Name of Board(s) you are interested in serving on: Hays Area Planning Commission

How much time could you devote per month: 3-5 hours

Are you related to anyone who is currently serving on a Board/Committee?: No

If Yes, Explain:

Briefly describe why you are interested in serving on a Board/Committee for the City of Hays: I am public-spirited and service-oriented. I believe that citizens have a responsibility to participate in the governance of their communities, and that it should not be the same citizens doing all the work. Since my professional life keeps me grounded in the area most of the year -- I am a college professor -- it makes sense for me to use my skills to serve in a local capacity.

Please list any groups or activities that you participate in, or have previously participated in, that demonstrates your involvement in the community: Center for Life Experiences Advisory Board Elder, First Presbyterian Church Hays Optimist Club Leadership Hays Advisory Board Ellis County and Kansas Democratic Party

CITY OF HAYS
APPLICATION FOR SERVING ON A CITY BOARD OR COMMITTEE

Email: rmreadle@gmail.com

Date: 1/13/2015

Name: Robert M Readle

Address: 1717 Haney Dr.

Day Time Phone Number: 785-259-4078

Evening Phone Number: 785-259-4078

Place of Employment: Owner of Williams Real Estate

How long have you been a Resident of Hays: 11 Years

Name of Board(s) you are interested in serving on: Hays Planning Commission

How much time could you devote per month: 10 hours

Are you related to anyone who is currently serving on a Board/Committee?: No

If Yes, Explain:

Briefly describe why you are interested in serving on a Board/Committee for the City of Hays: Hays has become my family's home and community in which I plan to raise my children. My long term interests are best served through involvement with an organization that focuses on future results rather than current crises. The planning commission fits this description and I hope to contribute a youthful, yet committed view to the commission.

Please list any groups or activities that you participate in, or have previously participated in, that demonstrates your involvement in the community: Past Rotary Club member. Current Hays Board of Realtors member, currently sitting on the Budget & Finance Committee as well as the Long Range Planning Committee.

CITY OF HAYS
AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 5B

MEETING DATE: 2-26-15

TOPIC:

Mayoral Appointment Recommendation

ACTION REQUESTED:

Receive Mayor Schwaller's proposed appointment to the Sister Cities Advisory Board.

NARRATIVE:

The following proposed appointment will be presented for approval at the March 12, 2015 City Commission meeting.

Sister Cities Advisory Board

Carol Solko-Olliff – 3-year term to expire 1-1-18 (5th term)

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Mayor Schwaller

ADMINISTRATION RECOMMENDATION:

N/A

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Applications Received for this Board (1)

CITY OF HAYS
APPLICATION FOR SERVING ON A CITY BOARD OR COMMITTEE

Email: csolko@fhsu.edu

Date: 2/16/2015

Name: Carol Solko-Olliff

Address: 403 W. 16th, Hays, KS 67601

Day Time Phone Number: 785-628-4276

Evening Phone Number: 785-628-1776

Place of Employment: Fort Hays State University

How long have you been a Resident of Hays: I have lived in Hays for over 30 years.

Name of Board(s) you are interested in serving on: Hays Sister Cities Advisory Board

How much time could you devote per month: 2-3 hours

Are you related to anyone who is currently serving on a Board/Committee?: No

If Yes, Explain:

Briefly describe why you are interested in serving on a Board/Committee for the City of Hays: I have served on the Hays Sister Cities Board and my current term has expired. I would like to continue on the Board to help implement some of the recent strategic planning initiatives we have started.

Please list any groups or activities that you participate in, or have previously participated in, that demonstrates your involvement in the community: I am an active member of the Hays Rotary Club, serve as a volunteer coach for the local ARC of Central Plains Special Olympics program, and serve on the Special Olympics Kansas Games Management Team that coordinates the state basketball tournament that is held in Hays each March.

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 6

MEETING DATE: 2-26-15

TOPIC:

Levee Improvements Award of Bid

ACTION REQUESTED:

Authorize the City Manager to execute the contract with JCorp in the amount of \$486,645 to be funded from the Stormwater Utility Capital Projects line item.

NARRATIVE:

City Staff is asking the Commissioners to award \$486,645.00 for levee improvements to JCorp of Hays, KS. The suggested award includes tree removal, repair of outfall structures, replacement of stormsewer pipe, re-grading of Montgomery Ditch, the repair/rebuilding of the levee embankment east of Main Street, and constructing a 6" concrete cap on the levee. The 6" concrete cap will extend the KDOT hike and bike trail project east of Main Street.

The project will be funded by the Stormwater Utility – Capital Projects line item.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

ADMINISTRATION RECOMMENDATION:

City Staff recommends the City Commission award a contract in the amount of \$486,645.00 to JCorp for the project as described.

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Staff Memo
Location Map
Bid Tabulation
Low Bid Proposal as submitted

Commission Work Session Agenda

Memo

From: Steven Walters, Stormwater Specialist

Work Session: February 17, 2015

Subject: Levee Improvements – Award of Bid

Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

City Staff is asking the Commissioners to award \$486,645.00 for levee improvements to J Corp of Hays, KS. The suggested award includes tree removal, repair of outfall structures, replacement of stormsewer pipe, re-grading of Montgomery Ditch, the repair/rebuilding of the levee embankment east of Main Street, and constructing a 6” concrete cap on the levee. The 6” concrete cap will extend the KDOT hike and bike trail project east of Main Street.

The project will be funded by the Stormwater Utility – Capital projects line item.

Background

Wilson & Co. was hired in 2012 to perform a safety inspection of the Hays levee system. In their inspection, they found several items needing to be addressed as detailed during Wilson & Co.’s presentation to the City Commission at the May 2, 2013 Work Session. In September 2013, an engineering service agreement was entered into with Wilson & Co to provide surveying, engineering design and construction documents for repairs or improvements to most of the identified problems.

The levee is also part of a federal insurance program called Public Law 84-99. Participation in this program is at no direct cost to the City of Hays and allows for federal reimbursement should the levee be damaged during a flood event. Repairs to damages caused by floods are made to the system with 80% of the costs picked up by the federal government. To maintain eligibility in this program, the levee is periodically inspected by the U.S. Army Corps of Engineers. Hays’ latest rating is “minimally acceptable,” the lowest rating in which a levee sponsor can remain in the program. Items such as poor sod cover, tree encroachment, minor erosion, silt deposits and erosion near drainages have led to this rating.

The project includes the removal of 74 trees and associated roots varying in size from 4” to 96”, repair of 5 outfall structures, replacement of storm sewer pipe, repair/rebuilding of the levee embankment east of Main Street, re-grading of Montgomery Ditch, and

constructing a 6” concrete cap on the levee. The 6” concrete cap is an extension of the Kansas Department of Transportation hike and bike trail project.

Discussion

Bids were opened on January 28, 2015 from four bidders: Stripe and Seal of Hays, JCorp of Hays, APAC-Kansas, Inc. and Smoky Hill Construction of Salina. Stripe and Seal’s bid was determined to be invalid and was withdrawn. **A summary of the bids is listed below and a detailed bid tabulation is attached.**

Engineer’s Est.	Stripe and Seal	APAC	Smoky Hill	JCorp
\$776,819	\$0	\$512,797.25	\$703,818.05	\$486,645.00

The project includes the repair of levee outfall structures, removal of trees, upgrading the levee, re-grading Montgomery Ditch, and constructing a concrete cap on the levee. The project addresses the majority of the deficiencies noted in the previous inspection report. The project does not address the Gustad Drive outfall or the Union Pacific Railroad levee crossing. These two parts of the levee continue to be looked at and will be addressed in the future.

The bid from the apparent low responsive bidder (JCorp) identifies an estimated start date of March 1, 2015 with a sixty (60) working day allowance.

The City’s engineer, Wilson & Company, has reviewed the bids and finds the low bid from JCorp to be valid and recommends awarding a contract to JCorp in the amount of \$485,645.00.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

The Capital Improvement Plan (CIP) within the 2015 Budget included \$900,000 for this project. Very competitive bid prices and some changes in project scope since initial budget submittal account for the proposed cost being significantly lower than identified in the CIP.

There will be an additional cost for Construction Phase Engineering Services (Inspection and Testing). Work in the vicinity of the levee needs to be of the highest quality and earthwork needs proper moisture levels and compaction. Due to the projected work load of City Staff and the lack of proper soils testing equipment, staff will be addressing this in another agenda item.

The \$486,645.00 cost for construction will be from the Stormwater Utility Capital Projects Fund.

Options

The City Commission has the following options:

- Award the Bid to the apparent low bidder
- Reject all bids

- Direct Staff otherwise
- Do Nothing

Recommendation

City Staff recommends the City Commission award a contract in the amount of \$486,645.00 to JCorp for the project as described.

Action Requested

Authorize the City Manager to execute the contract with JCorp in the amount of \$486,645.00.

Supporting Documentation

Location Map
Bid Tabulation
Low Bid Proposal as submitted

Bid Item	Description	Engineer's Estimate				APAC		Smoky Hill		Jcorp	
		Quantity	Unit	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	Mobilization	1	LS	\$ 35,000.00	\$ 35,000.00	\$ 22,600.00	\$ 22,600.00	\$ 41,750.00	\$ 41,750.00	\$ 13,000.00	\$ 13,000.00
2	Contractor Construction Staking	1	LS	\$ 15,000.00	\$ 15,000.00	\$ 2,800.00	\$ 2,800.00	\$ 3,200.00	\$ 3,200.00	\$ 3,300.00	\$ 3,300.00
3	Clearing and Grubbing	1	LS	\$ 25,000.00	\$ 25,000.00	\$ 8,000.00	\$ 8,000.00	\$ 11,400.00	\$ 11,400.00	\$ 17,500.00	\$ 17,500.00
4	Tree Removal	74	EA	\$ 2,500.00	\$ 185,000.00	\$ 1,000.00	\$ 74,000.00	\$ 2,400.00	\$ 177,600.00	\$ 1,200.00	\$ 88,800.00
5	Common Excavation (Levee)	1255	CY	\$ 15.00	\$ 18,825.00	\$ 9.15	\$ 11,483.25	\$ 11.95	\$ 14,997.25	\$ 7.50	\$ 9,412.50
6	Common Excavation (Montgomery Ditch)	4475	CY	\$ 20.00	\$ 89,500.00	\$ 5.00	\$ 22,375.00	\$ 9.60	\$ 42,960.00	\$ 7.50	\$ 33,562.50
7	Embankment (Levee)	4230	CY	\$ 10.00	\$ 42,300.00	\$ 5.00	\$ 21,150.00	\$ 4.40	\$ 18,612.00	\$ 5.00	\$ 21,150.00
8	Concrete Pavement (6") (AE) (Trail)	1951	SY	\$ 65.00	\$ 126,815.00	\$ 45.00	\$ 87,795.00	\$ 60.10	\$ 117,255.10	\$ 49.00	\$ 95,599.00
9	Concrete Pavement (6") (AE) (Park Entrance)	111	SY	\$ 65.00	\$ 7,215.00	\$ 78.00	\$ 8,658.00	\$ 56.60	\$ 6,282.60	\$ 50.00	\$ 5,550.00
10	Concrete Pavement (6") (AE) (Sidewalk Ramp)	3	SY	\$ 500.00	\$ 1,500.00	\$ 375.00	\$ 1,125.00	\$ 347.00	\$ 1,041.00	\$ 300.00	\$ 900.00
11	Headwall (15")	1	EA	\$ 5,000.00	\$ 5,000.00	\$ 7,000.00	\$ 7,000.00	\$ 6,790.00	\$ 6,790.00	\$ 3,500.00	\$ 3,500.00
12	Headwall (24")	1	EA	\$ 6,000.00	\$ 6,000.00	\$ 21,200.00	\$ 21,200.00	\$ 9,275.00	\$ 9,275.00	\$ 7,500.00	\$ 7,500.00
13	Headwall (36")	1	EA	\$ 7,000.00	\$ 7,000.00	\$ 21,400.00	\$ 21,400.00	\$ 14,750.00	\$ 14,750.00	\$ 8,500.00	\$ 8,500.00
14	Headwall (60")	1	EA	\$ 10,000.00	\$ 10,000.00	\$ 28,000.00	\$ 28,000.00	\$ 13,750.00	\$ 13,750.00	\$ 11,500.00	\$ 11,500.00
15	15" RCP	15	LF	\$ 120.00	\$ 1,800.00	\$ 104.00	\$ 1,560.00	\$ 284.40	\$ 4,266.00	\$ 220.00	\$ 3,300.00
16	24" RCP	145	LF	\$ 170.00	\$ 24,650.00	\$ 140.00	\$ 20,300.00	\$ 153.70	\$ 22,286.50	\$ 120.00	\$ 17,400.00
17	36" RCP	26	LF	\$ 210.00	\$ 5,460.00	\$ 235.00	\$ 6,110.00	\$ 401.30	\$ 10,433.80	\$ 250.00	\$ 6,500.00
18	Flap Gate (15")	1	EA	\$ 1,500.00	\$ 1,500.00	\$ 2,600.00	\$ 2,600.00	\$ 2,035.00	\$ 2,035.00	\$ 1,945.00	\$ 1,945.00
19	Flap Gate (24")	1	EA	\$ 2,000.00	\$ 2,000.00	\$ 3,000.00	\$ 3,000.00	\$ 2,670.00	\$ 2,670.00	\$ 2,200.00	\$ 2,200.00
20	Flap Gate (36")	1	EA	\$ 3,000.00	\$ 3,000.00	\$ 5,200.00	\$ 5,200.00	\$ 4,645.00	\$ 4,645.00	\$ 3,264.00	\$ 3,264.00
21	Flap Gate (60")	1	EA	\$ 5,000.00	\$ 5,000.00	\$ 21,000.00	\$ 21,000.00	\$ 11,450.00	\$ 11,450.00	\$ 15,495.30	\$ 15,495.30
22	Flowable Fill	120	CY	\$ 300.00	\$ 36,000.00	\$ 105.00	\$ 12,600.00	\$ 125.90	\$ 15,108.00	\$ 90.00	\$ 10,800.00
23	Annular Drainage Fill	27	CY	\$ 70.00	\$ 1,890.00	\$ 20.00	\$ 540.00	\$ 42.60	\$ 1,150.20	\$ 45.00	\$ 1,215.00
24	Riprap	784	SY	\$ 80.00	\$ 62,720.00	\$ 84.00	\$ 65,856.00	\$ 150.00	\$ 117,600.00	\$ 82.00	\$ 64,288.00
25	Sandblast/Prime/Paint (Sluice Gate)	1	EA	\$ 1,000.00	\$ 1,000.00	\$ 4,000.00	\$ 4,000.00	\$ 1,170.00	\$ 1,170.00	\$ 3,000.00	\$ 3,000.00
26	Sandblast/Prime/Paint (Flap Gate)	1	EA	\$ 500.00	\$ 500.00	\$ 4,000.00	\$ 4,000.00	\$ 1,380.00	\$ 1,380.00	\$ 2,000.00	\$ 2,000.00
27	Pavement Marking (4" Yellow)	456	LF	\$ 5.00	\$ 2,280.00	\$ 4.00	\$ 1,824.00	\$ 4.25	\$ 1,938.00	\$ 5.25	\$ 2,394.00
28	Permanent Signs	8	EA	\$ 600.00	\$ 4,800.00	\$ 295.00	\$ 2,360.00	\$ 315.00	\$ 2,520.00	\$ 550.00	\$ 4,400.00
29	Bollard	4	EA	\$ 2,000.00	\$ 8,000.00	\$ 900.00	\$ 3,600.00	\$ 1,010.00	\$ 4,040.00	\$ 1,430.00	\$ 5,720.00
30	Straw Wattle	3258	LF	\$ 8.00	\$ 26,064.00	\$ 4.50	\$ 14,661.00	\$ 4.70	\$ 15,312.60	\$ 4.65	\$ 15,149.70
31	Seeding (Buffalograss Seed Mix)	2	AC	\$ 4,000.00	\$ 8,000.00	\$ 1,600.00	\$ 3,200.00	\$ 1,650.00	\$ 3,300.00	\$ 2,000.00	\$ 4,000.00
32	Seeding (CRP Seed Mix)	2	AC	\$ 4,000.00	\$ 8,000.00	\$ 1,400.00	\$ 2,800.00	\$ 1,425.00	\$ 2,850.00	\$ 1,900.00	\$ 3,800.00
TOTAL				\$ 776,819.00		\$ 512,797.25		\$ 703,818.05		\$ 486,645.00	
				Engineer's Estimate		APAC		Smoky Hill		Jcorp	

JCOOP

CITY OF HAYS, KANSAS

HAYS LEVEE REHABILITATION

COH PROJECT NO. 2014-20

PROPOSAL

TO THE HONORABLE MAYOR AND CITY COMMISSION

CITY OF HAYS, KANSAS

1. The undersigned declares he has read the Specifications and other Contract Documents, has examined and understands the Plans, has examined the site of the Work and has determined for himself the conditions affecting the Work; and he proposes and agrees to provide at his own expense all labor, superintendence, machinery, plant, equipment, tools, apparatus, appliances and means of construction, and all materials and supplies, and to complete ready for its intended purpose the entire work and all parts thereof described as included under the Contract herein, including all work incidental thereto, according to the Plans and Specifications, and such instructions the Owner may give.
2. The Undersigned Bidder, in compliance with your Notice to Contractors dated January 7, 2015, hereby proposes to do the Work called for in said Specifications and other Contract Documents and shown on said Plans for the said work at the following rates and prices:

SCHEDULE OF ITEMS AND PRICES

HAYS LEVEE REHABILITATION

Instructions to contractors. Please use the tables below for submitting your bids. The City of Hays strongly encourages you to submit prices for all the alternate items listed.

ITEM	DESCRIPTION	QUAN	UNIT	UNIT PRICE	TOTAL PRICE
1	Mobilization	1	LS	13,000.00	13,000.00
2	Contractor Construction Staking	1	LS	3,300.00	3,300.00
3	Clearing and Grubbing	1	LS	17,500.00	17,500.00
4	Tree Removal	74	EA	1,200.00	88,800.00

ITEM	DESCRIPTION	QUAN	UNIT	UNIT PRICE	TOTAL PRICE
5	Common Excavation (Levee)	1,255	CY	7.50	9,412.50
6	Common Excavation (Montgomery Ditch)	4,475	CY	7.50	33,562.50
7	Embankment (Levee)	4,230	CY	5.00	21,150.00
8	Concrete Pavement (6") (AE) (Trail)	1,951	SY	49.00	95,599.00
9	Concrete Pavement (6") (AE) (Park Entrance)	111	SY	50.00	5,550.00
10	Concrete Pavement (6") (AE) (Sidewalk Ramp)	3	SY	300.00	900.00
11	Headwall (15")	1	EA	3,500.00	3,500.00
12	Headwall (24")	1	EA	7,500.00	7,500.00
13	Headwall (36")	1	EA	8,500.00	8,500.00
14	Headwall (60")	1	EA	11,500.00	11,500.00
15	15" RCP	15	LF	220.00	3,300.00
16	24" RCP	145	LF	120.00	17,400.00
17	36" RCP	26	LF	250.00	6,500.00
18	Flap Gate (15")	1	EA	1,945.00	1,945.00
19	Flap Gate (24")	1	EA	2,200.00	2,200.00
20	Flap Gate (36")	1	EA	3,264.00	3,264.00
21	Flap Gate (60")	1	EA	15,495.30	15,495.30
22	Flowable Fill	120	CY	90.00	10,800.00
23	Annular Drainage Fill	27	CY	45.00	1,215.00
24	Riprap	784	SY	82.00	64,288.00
25	Sandblast/Prime/Paint (Sluice Gate)	1	EA	3,000.00	3,000.00
26	Sandblast/Prime/Paint (Flap Gate)	1	EA	2,000.00	2,000.00
27	Pavement Marking (4" Yellow)	456	LF	5.25	2,394.00
28	Permanent Signs	8	EA	550.00	4,400.00
29	Bollard	4	EA	1,430.00	5,720.00
30	Straw Wattle	3,258	LF	4.65	15,149.70
31	Seeding (Buffalograss Seed Mix)	2.0	AC	2,000.00	4,000.00
32	Seeding (CRP Seed Mix)	2.0	AC	1,900.00	3,800.00
				TOTAL PRICE	486,645.00

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 7

MEETING DATE: 2-26-15

TOPIC:

Levee Repairs Construction Phase Engineering Services – Agreement

ACTION REQUESTED:

Authorize the City Manager to execute the agreement with Penco in the amount of \$21,000 to be funded from the Stormwater Utility Capital Projects line item.

NARRATIVE:

City Staff is asking the Commissioners to enter an agreement with Penco Engineering, P.A. of Plainville, KS in the amount of \$21,000 for Construction Phase Engineering Services. The proposed agreement includes concrete testing, soil compaction testing, and part-time construction observation for the Levee Improvement Project.

The project will be funded by the Stormwater Utility – Capital Projects line item.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

ADMINISTRATION RECOMMENDATION:

City Staff recommends the City Commission enter an Agreement in the amount of \$21,000 with Penco for the services as described.

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Staff Memo
Low Bid Proposal as Submitted
Engineering Services Agreement

Commission Work Session Agenda

Memo

From: Steven Walters, Stormwater Specialist

Work Session: February 17, 2015

Subject: Levee Repairs Construction Phase Engineering Services – Agreement

Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

City Staff is asking the Commissioners to enter an agreement with Penco Engineering, P.A. of Plainville, KS in the amount of \$21,000 for Construction Phase Engineering Services. The proposed agreement includes concrete testing, soil compaction testing, and part-time construction observation for the Levee Improvement Project.

The project will be funded by the Stormwater Utility – Capital projects line item.

Background

A related memo regarding the award of bid for construction of Levee Repair Improvements provided background information for this project.

Discussion

City Staff does not have the expertise or equipment to perform soil compaction testing, and with the multitude of ongoing and projected projects this summer existing staff will not be available to adequately inspect this project. Due to the nature of levee construction it is imperative that work be of the highest quality as the levee is only as strong as its weakest part. Therefore, City Staff issued a request for proposals for construction phase testing and observation services to eight (8) construction engineering firms to ensure construction quality. These firms were provided copies of the project plans and asked to present proposals providing adequate inspection and testing to insure quality outcomes.

Proposals were opened on January 21, 2015 from six (6) construction engineering firms: Olsson Associates; Penco Engineering; Driggs Design Group; Alfred Benesch; Terracon; and Professional Technical Services. The proposals varied greatly from full-time testing and observation to part-time testing and observation and the proposed prices reflected those differing views ranging from \$21,000 to \$58,000.

Company	Testing		Observation		Total Price
	Hours	Price	Hours	Price	
Olsson					\$58,690**
Terracon					\$54,500**
Benesch	120	\$12,000	90	\$11,000	\$23,000
Penco	120	\$12,500	90	\$8,500	\$21,000
Driggs	285	\$18,825	275	\$16,650	\$35,475
Professional					\$30,000*

*Does not include actual testing costs

**Full time

City Staff reviewed the proposals and concluded that part-time testing and construction observation for the levee improvement project was the best value approach. Based on this conclusion, City Staff is recommending Penco Engineering, P.A. (Penco) of Plainville, Kansas for construction phase testing and observation. Penco proposes to provide all testing services including concrete and soil compaction testing and an average of two (2) hours of construction observation per day for the duration of the levee improvement project. City Staff will also be performing observation during the project as an additional check supplemented by Penco.

City Staff reviewed all proposals and is recommending a contract be awarded to Penco Engineering, P.A. in the amount not to exceed \$21,000.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

The \$21,000 cost for construction phase testing and observation services will be from the Stormwater Utility Capital Projects Fund.

Options

The City Commission has the following options:

- Enter the Agreement with Penco
- Reject all proposals
- Direct Staff otherwise
- Do Nothing

Recommendation

City Staff recommends the City Commission enter an Agreement in the amount of \$21,000 with Penco for the services as described.

Action Requested

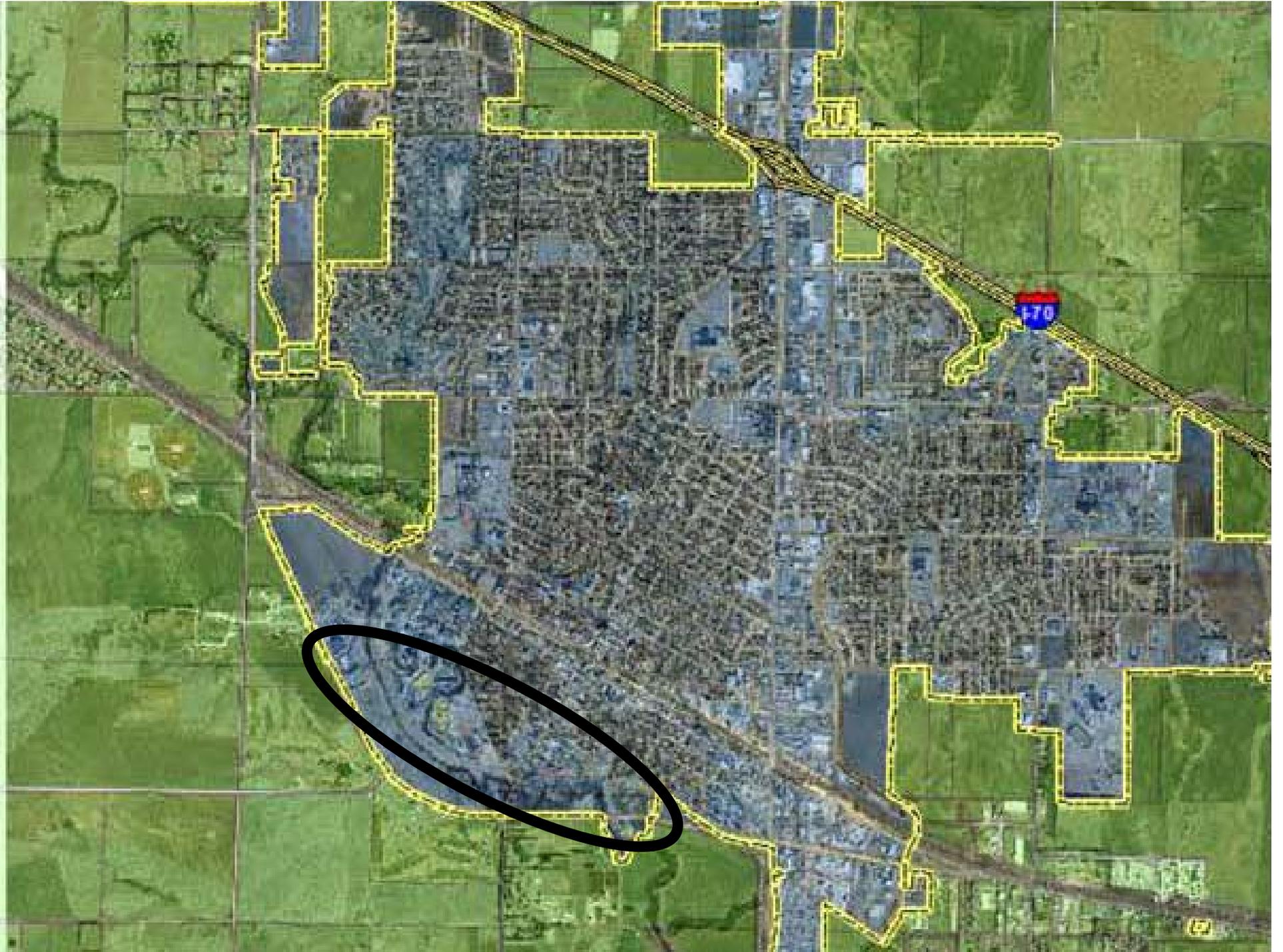
Authorize the City Manager to execute the agreement with Penco in the amount of \$21,000.

Supporting Documentation

Map

Low Bid Proposal as submitted

Engineering Service Agreement



**CITY OF HAYS
COH PROJECT 2014-20
HAYS LEVEE REHABILITATION**

PROJECT TESTING & CONSTRUCTION OBSERVATION

TESTING SERVICES

The following is included:

- 1) Proctors (3 @ \$300.00)
- 2) Soil Compaction Testing (20 half days)
- 3) Concrete Cylinders (3 sets @ \$150.00/set)
- 4) Concrete Field Testing (10 half days):

Total Testing Services-----\$12,500.00

INSPECTION SERVICES

Inspection (45 working days) -----\$8,500.00
(Estimated at 2 hrs/day with office oversight)

TOTAL TESTING AND INSPECTION SERVICES ----- \$21,000.00

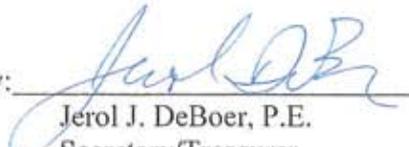
DAILY FEES

Technician Daily Fee-----\$550.00
Mobilization -----\$100.00

TOTAL DAILY FEES-----\$650.00

Penco Engineering, P.A.

Date: February 3, 2015

By: 
Jerol J. DeBoer, P.E.
Secretary/Treasurer

AGREEMENT – SOIL AND CONCRETE TESTING SERVICES

This agreement made and entered into by and between the CITY of Hays, hereinafter referred to as the CITY, and PENCO ENGINEERING, P.A., of Plainville, Kansas hereinafter referred to as the CONSULTANT.

WITNESSETH: That the CITY desires to engage said CONSULTANT for soil and concrete testing for the following: City of Hays Project #2014-20 a/k/a Hays Levee Rehabilitation Project This contract to expire on the completion of construction.

Compensation to the CONSULTANT for soil testing, concrete testing, and field densities services rendered in connection with the work herein set forth shall be made on the basis of the revised Project Testing and Construction Observation Bid Proposal dated February 3, 2015.

During the progress of work covered by this Agreement, partial payments may be made to the CONSULTANT from the CITY within thirty (30) days of receipt of proper billing, but at intervals of not less than one calendar month.

NOW THEREFORE, in consideration of the premises and covenants herein contained, the CITY and the CONSULTANT agree as follows.

THE CONSULTANT AGREES:

- 1) Attend all conferences designated by the CITY, or required under the terms of the Agreement.
- 2) Designate a Project Engineer/Project Manager who shall serve as the CONSULTANT'S Field Supervisor. The Project Engineer/Project Manager will meet the CITY'S certification policy and report and transmit Project testing documents to the CITY Public Works Department. KDOT Certified Inspector(s) will perform soil testing, concrete testing, and field densities. The Project Engineer/ Project Manager will not be authorized to issue instructions contrary to the Plans and Specifications, or to act as foreman for the Contractor.

- 3) Assign a sufficient number of KDOT Certified Inspector(s) to the Project to perform the services required under this Agreement, in a timely manner to avoid delay to the Contractor.
- 4) Become familiar with the standard practices of the KDOT, the Contract Documents (Specifications, Contract, Special Provisions and Plans), and the Contractor's proposed schedule of operations prior to beginning field services to be performed under the Agreement.
- 5) Perform the CONSULTANT'S field operations in accordance with accepted safety practices.
- 6) Furnish all equipment required to accomplish the CONSULTANT'S services, and to check or test it prior to use on the Project.
- 7) Provide for CONSULTANT personnel such transportation, supplies, materials and incidentals as are needed to accomplish the services required under the Agreement.
- 8) Undertake the following:
 - Transmit test results to the CITY and provide guidance in the proper interpretation of the soil tests, concrete tests, and field densities.
 - Take field samples and/or test materials to be incorporated in the work, and notify the CITY and Contractor of those not meeting the provisions of the Contract Documents.
 - Keep such daily diaries, logs and records as are needed for a complete record of soil tests, concrete tests, and field densities.
- 9) Collect, properly label or identify, and deliver to the CITY all original testing documents prepared by CONSULTANT in the performance of the Agreement, upon completion of the Agreement.
- 10) Prepare and submit a final payment voucher for services rendered by the CONSULTANT.

THE CITY AGREES:

- 1) That the CONSULTANT has been duly authorized to perform all of the necessary soil testing, concrete testing, and field densities services and the furnishing of all labor, equipment, materials, and engineering essential thereto, for the fee as stipulated, and that said CITY hereby agrees to make payment to the CONSULTANT as hereinbefore set forth.
- 2) It is further understood and agreed by said CITY that this agreement as all contracts entered into under the provisions of this agreement shall be binding upon the CITY of said City of Hays, Kansas.

The CITY has advised the CONSULTANT that the anticipated services to be performed in 2015 with the estimated number of contractor working days being 60.

The CONSULTANT will save the CITY and their authorized representatives harmless from costs, liabilities, expenses, suits, judgments, and damages to persons or property caused by the CONSULTANT, its agents, or employees or subcontractors which may result from negligent acts, errors, mistakes or omissions from the CONSULTANT'S operation in connection with the services to be performed hereunder.

The CONSULTANT will make all documents and accounting records pertaining to the cost of these services for the Project available at the CONSULTANT'S office to representatives of the CITY, or any authorized representatives of the Federal Government for audit for a period of three (3) years after the date of final payment.

The CONSULTANT will comply with all federal, state and local laws and ordinances applicable to the services to be performed.

The CONSULTANT may provide engineering services outside those set forth above, or for changes in criteria. The CITY must approve any payment authorized under this paragraph in a supplemental agreement.

THE PARTIES HERETO MUTUALLY AGREE:

- 1) The CONSULTANT has the duty to follow the generally accepted practices of its profession.
- 2) The KDOT Certified Inspector(s) will not have control over, and will not be responsible for construction inspection, construction means, methods, techniques, sequences, or procedures, or for safety precautions and programs in connection with the work.
- 3) That the right is reserved to the CITY or CONSULTANT to terminate this agreement at any time provided, however, that in any such case the CONSULTANT shall be paid the reasonable value of the services rendered up to the time of termination on the basis of the payment provisions of this agreement.
- 4) That an adjustment of the CONSULTANT'S fee as stipulated in said agreement, may be made if, for some reason, the scope of the work as set forth in said agreement is materially changed.
- 5) When an adjustment is to be made in accordance with said agreement, the reasonable value for such adjustment shall be negotiated between the CITY and the CONSULTANT prior to any expenditure of time and material as may be required by said adjustment.
- 6) This contract shall be subject to the provisions of City of Hays Code Sec. 2-576 through Sec. 2-580 which contains specific inclusions and prohibitions of certain contractual provisions and to the extent that anything herein contradicts said Code, the requirements and provisions of the Code shall govern.

BE IT THEREFORE AGREED that the CITY hereby engages said CONSULTANT for soil testing, concrete testing, and field densities as set forth hereinbefore, and said CONSULTANT agrees to perform the same.

IT WITNESS WHEREOF, said parties have caused this agreement to be signed
by their authorized officers this _____ day of _____, 2015.

CITY OF HAYS, KANSAS

CONSULTANT

CITY:

PENCO ENGINEERING, P.A.
Plainville, Kansas 67663

By: _____

By: 
Jerol J. DeBoer, P.E.
Secretary/Treasurer

ATTEST:

CITY Clerk

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 8

MEETING DATE: 2-26-15

TOPIC:

Proposed Ordinance Amending Chapter 53 – Stormwater Management

ACTION REQUESTED:

Approve Ordinance No. 3896 amending Chapter 53 of the City of Hays, Kansas, Municipal Code regarding Stormwater Management.

NARRATIVE:

Staff recommends for adoption certain changes to Chapter 53 – Stormwater Management of the code of the City of Hays. These changes will bring the City of Hays into compliance with federal Clean Water Act requirements for “post construction” stormwater controls; will impose requirements on residential developments for stormwater management; and, will change the current standards for storm sewer infrastructure, moving away from water in pipes to overland flows in new developments. Additionally, non-stormwater discharges causing problems with unpaved surfaces are added to the list of prohibited discharges.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

ADMINISTRATION RECOMMENDATION:

Staff recommends that the City Commissioners adopt these changes.

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Staff Memo
Ordinance No. 3896
Redlined version of Chapter 53

Commission Work Session Agenda

Memo

From: Steven Walters, Stormwater Specialist

Meeting: February 17, 2015

Subject: Proposed Ordinance Amending Chapter 53 – Stormwater Management

Person(s) Toby Dougherty, City Manager
Responsible: I.D. Creech, Director of Public Works

Summary

Staff recommends for adoption certain changes to Chapter 53 – Stormwater Management of the code of the City of Hays. These changes will bring the City of Hays into compliance with federal Clean Water Act requirements for “post construction” stormwater controls; will impose requirements on residential developments for stormwater management; and, will change the current standards for storm sewer infrastructure, moving away from water in pipes to overland flows in new developments. Additionally, non-stormwater discharges causing problems with unpaved surfaces are added to the list of prohibited discharges.

Background

The City of Hays is regulated under Section 402 of the Clean Water Act (CWA) by the Environmental Protection Agency. Section 402 of the CWA established the National Pollutant Discharge Elimination System (NPDES). The City of Hays began being regulated in 2004 as part of Phase II of the Municipal Separate Storm Sewer System (MS4) regulations and was re-issued our MS4 permit in February 2014. The City of Hays has never been fully compliant with the requirements of the Permit.

Several major changes are being proposed to bring the City of Hays into permit compliance, ease the administration of the stormwater utility, and to reduce the long-term financial liability to the stormwater utility. They include:

- 1) Eliminating the current exemptions for stormwater management and establishing areal thresholds for water quantity controls, water quality controls, and stormwater pollution prevention controls. The new thresholds include a 1,000 ft² disturbance threshold for a stormwater pollution prevention plan, a 1 acre disturbance threshold for water quality controls, and the addition of 10,000 ft² of

impervious surface for water quality controls. The first two thresholds are new while the addition of 10,000 ft² impervious surface is currently in place, but will now apply to all types of land development.

- 2) Adoption by reference of requirements for post construction stormwater controls from new and redevelopment, as required by the City's NPDES MS4 permit governing its discharges of urban stormwater runoff. Current law has no requirements for the water quality from new and redevelopment.
- 3) Adoption of new requirements for the design of stormwater infrastructure for all types of development. Currently in new developments, all water up to a storm statistically occurring every 5 years is required to be conveyed in a pipe as long as it is 72 inches or lower in diameter. This requirement will be removed. With the proposed changes, stormwater will only be conveyed overland, with a minimal amount of new pipe allowed for road crossings, drainage of stormwater controls, etc.

Discussion

Three significant changes to Chapter 53 – Stormwater Management are being proposed. The first significant change is the removal of existing exemptions to the requirements of current law and replacing them with a series of areal thresholds, Section 53-3. The thresholds include the requirements for water quantity controls, water quality controls and stormwater pollution prevention plans. The thresholds layout the specific requirements for all types of land development activities within the City of Hays pertaining to stormwater management.

The second significant change is the adoption of post construction stormwater controls, Section 53-13. This is a requirement of the NPDES MS4 permit. In essence, this means developments in Hays will need to infiltrate or otherwise utilize more stormwater and allow less runoff from site. This change is implemented through the adoption of a post construction stormwater manual. The manual was created for a group of Phase II MS4 permit holders in Kansas. The City of Hays is not in compliance with the federal Clean Water Act regarding these requirements. Below is a link to document on the City of Hays webpage under Environmental Programs- Stormwater:

http://www.haysusa.com/Post_Construction_BMP_Hays.pdf

The third major change, a shift from a piped stormwater system to an open channel stormwater system will greatly serve to facilitate the first change. Stormwater cannot be infiltrated when it is in a pipe, and current design criteria require stormwater to be in a pipe. The proposed changes give the developer(s) multiple options for planning and construction of stormwater infrastructure. In general it gives the developer(s) the opportunity to reduce stormwater infrastructure costs. Additionally, there is an extremely high burden to maintain the stormwater pipe network throughout the City of Hays.

Lining of 1000 feet of stormwater pipe may cost up to \$170,000, inclusive of design and surveying. Clearing an open channel back of the same length may only cost \$20,000.

The Design Criteria – Storm Drainage Systems and Facilities will also need updated to reflect the proposed changes to Chapter 53 – Stormwater Management.

The proposed changes have the following Pros and Cons

Pros:

1. The City of Hays will be in compliance with the MS4 permit.
2. Future new development will not increase flood flows.
3. Stormwater discharge from new and re-development should have less impact on Big Creek water quality.
4. Development and re-development should decrease nuisance flows and improve groundwater recharge.
5. Removal of current exemptions allows for uniform application of stormwater controls based on proposed thresholds.
6. New development should have less negative impact on aquifer recharge.

Cons

1. Growing Pains – the new water quality requirements will initially be a challenge for developers and planning engineers.
2. Upfront costs for developers will increase, but may be offset with a reduction in infrastructure.
3. Changes to the development policy will likely be required to reflect the changes proposed to Chapter 53 – Stormwater Management and the drainage standards.
4. Additional staff time for review of documents and inspection of structural controls will be required.

Legal Consideration

To be inserted by the City Attorney.

Financial Consideration

The drainage standards, as proposed, will lead to some increased city responsibilities - primarily review of design plans and inspection of structural stormwater controls. City Staff believes these new responsibilities can be accomplished without adding additional staff. Therefore, there are no financial obstacles for the City of Hays in adopting the proposed changes

Options

The City Commission has the following options available:

1. Adopt the proposed changes.
2. Reject the proposed changes.
3. Provide staff with further direction.
4. Do nothing

Recommendation

Staff recommends that the City Commissioners adopt these changes.

Action Requested

Adoption of the proposed ordinance.

Supporting Documentation

Proposed Ordinance
Redlined version of Chapter 53

ORDINANCE NO. 3896

AN ORDINANCE AMENDING CHAPTER 53 OF THE CITY OF HAYS, KANSAS, MUNICIPAL CODE, BY MODIFYING ARTICLE I, SECTION 53-3, REGARDING APPLICABILITY; BY MODIFYING ARTICLE 1, SECTION 53-10, REGARDING DEFINITIONS; BY ADDING ARTICLE 1, SECTION 53-13 REGARDING ADOPTION OF POST CONSTRUCTION STORM WATER BEST MANAGEMENT PRACTICES MANUAL; BY MODIFYING ARTICLE II, SECTION 53-44, REGARDING MANAGEMENT-CONTROLS; BY MODIFYING ARTICLE II, SECTION 53-45 REGARDING SAME-PRACTICES; BY MODIFYING ARTICLE II, SECTION 53-47(b), 53-47(c), 53-47(d), AND 53-47(e) REGARDING PRIVATE RESPONSIBILITIES UNDER THE STORMWATER MANAGEMENT SYSTEM; BY MODIFYING ARTICLE III, SECTION 53-69(5) REGARDING SUBMISSION—PRELIMINARY STORMWATER MANAGEMENT PLAN; BY MODIFYING ARTICLE III, SECTIONS 53-70(1), 53-70(4), 53-70(6) AND 53-70(7) REGARDING SAME—FINAL STORMWATER MANAGEMENT PLAN; BY ADDING ARTICLE III, SECTION 53-70(10) REGARDING SAME—FINAL STORMWATER MANAGEMENT PLAN; BY MODIFYING ARTICLE III, SECTION 53-74 REGARDING STORMWATER POLLUTION PREVENTION PLAN SUBMISSION, AMENDMENTS; BY MODIFYING ARTICLE IV, SECTION 53-101, DESIGN CRITERIA; BY MODIFYING ARTICLE IV, SECTION 53-102(e), 53-102(f), AND 53-102(g) REGARDING PERFORMANCE STANDARDS; AND BY ADDING ARTICLE V, SECTION 53-135(f) REGARDING PROHIBITIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS:

Section 1. Chapter 53, Article I, Section 53-3 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 53

STORMWATER MANAGEMENT

ARTICLE I. - IN GENERAL

Sec. 53-3. - Applicability.

- (a) The provisions of this chapter shall extend and apply to all land and existing or proposed improvements thereon within the corporate limits of the City and to all substances entering the municipal stormwater drainage system generated on any developed and undeveloped lands within the corporate limits of the City, unless explicitly exempted under the provisions of this chapter.

- (b) Post construction storm water controls include water quality treatment and flood control. Post construction storm water controls are required in the following circumstances:

For properties in the major system as defined in Section 53-42:

When any property or larger common plan of development will add 10,000 square feet of impervious area, it shall meet requirements of the Post Construction Storm Water Best Management Practices manual. Redevelopment shall be required to control the 85% storm for water quality purposes. New development shall be required to control the 90% storm for water quality purposes.

When any property or larger common plan of development disturbs more than one acre of land, it shall meet the requirements of the Post Construction Storm Water Best Management Practices manual. Redevelopment shall be required to control the 85% storm for water quality purposes. New development shall be required to control the 90% storm for water quality purposes.

For properties in the minor system as defined in Section 53-42:

When any property or larger common plan of development will add 10,000 square feet of impervious area, it shall meet requirements of the Post Construction Storm Water Best Management Practices manual AND ensure that post-development runoff from the 5 year, 25 year and 100 year storm event results in no increase in peak flow rates from the entire site, in accordance with the most recently adopted "Design Criteria Storm Drainage Systems and Facilities."

When any property or larger common plan of development disturbs more than one acre of land, it shall meet the requirements of the Post Construction Storm Water Best Management Practices manual. Redevelopment shall be required to control the 85% storm for water quality purposes. New development shall be required to control the 90% storm for water quality purposes.

- (c) Storm water pollution prevention for properties in the major and minor system:

When any property will disturb greater than 1,000 square feet, there shall be required a storm water pollution prevention plan before a building permit is issued. The storm water pollution prevention plan shall detail construction site Best Management Practices that prevent the illicit discharge of prohibited substances, as detailed in Section 53-136, into the municipal storm water drainage system.

- (d) Any person proposes to construct buildings or develop land, or make improvements to existing buildings or projects, or grade land within the area described in this section, or take any action the net effect of which will cause a change in existing stormwater runoff, application shall be made to the City for approval of a stormwater management plan and

issuance of a drainage permit as specified in this chapter. No land shall be graded, developed, or improvements constructed except upon issuance of such drainage permit or as exempted herein.

- (e) Any person to have construction stormwater permit coverage to discharge stormwater associated with construction activities shall make application to KDHE for issuance of a permit and obtain it.

Section 2. Chapter 53, Article I, Section 53-10, *Freeboard, Municipal stormwater drainage system* and *Retention* definitions, of the City of Hays, Kansas Municipal Code are hereby amended as follows:

CHAPTER 53

STORMWATER MANAGEMENT

ARTICLE I. - IN GENERAL

Sec. 53-10. - Definitions.

Freeboard means a factor of safety expressed as the difference in elevation between the top of a retention/detention basin dam or channel bank and the design surface water elevation resulting from the storm for which the basin's required storage volume or channel's flow was determined.

Municipal stormwater drainage system means the system of conveyances (including sidewalks, roads, streets, curbs, gutters, ditches, designated drainage easements, inlets, drains, catch basins, pipes, tunnels, culverts, channels, creeks, rivers, streams, retention/detention basins and ponds owned, operated or otherwise utilized by the City for collecting or conveying stormwater and stormwater drainage, and that is not intended for the collection or conveyance of sewage.

Retention means a stormwater management technique of which the primary function is to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground.

Section 3. Chapter 53, Article I, of the City of Hays, Kansas Municipal Code is hereby amended by adding Section 53-13 as follows:

CHAPTER 53

STORMWATER MANAGEMENT

ARTICLE I. - IN GENERAL

Sec. 53-13. - Adoption of “Post Construction Storm Water Best Management Practices” manual.

The City hereby adopts by reference the document “Post Construction Storm Water Best Management Practices” authored in April 2009 by Wilson & Company and CDM.

Section 4. Chapter 53, Article II, Section 53-44 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 53

STORMWATER MANAGEMENT

ARTICLE II. – STORMWATER RUNOFF MANAGEMENT SYSTEM

Sec. 53-44. - Management–Controls.

- (a) Management controls are regulations applicable to the minor system under the provisions of this chapter. Such controls shall govern any activity which will adversely affect hydraulic function of any stormwater drainage facilities, public or private, including, but not limited to, retention/detention facilities, open channels, drainage swales, enclosed or open stormwater conveyance systems.
- (b) The building code administrator shall refer to the City Stormwater Superintendent all development plans and all building permit applications that may require a stormwater management plan and subsequent drainage permit City Stormwater Superintendent for determination of applicability of this chapter thereto.
- (c) The drainage permit fee is as set out in Section 53-134.

Section 5. Chapter 53, Article II, Section 53-45 of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 53

STORMWATER MANAGEMENT

ARTICLE II. – STORMWATER RUNOFF MANAGEMENT SYSTEM

Sec. 53-45. - Same—Practices.

The following practices may be utilized upon approval of the City Stormwater Superintendent. Use of these methods shall be fully in accordance with the design criteria and performance standards as set forth for the following:

- (1) *Storage.* Runoff may be stored in temporary or permanent retention/detention basins, through rooftop or parking lot ponding, percolation storage, or by other approved means.
- (2) *Enclosed Systems with Underground Structures.* Enclosed systems consisting of underground pipes, culverts, and similar functional underground structures shall not be used to convey stormwater unless overland conveyance is shown to be not feasible. Short sections of pipe are allowed in order to reduce risk to adjacent properties and drain stormwater best management practices. Maximal use of open channels is required to reduce long-term costs to the City for infrastructure maintenance and to promote improved water quality while reducing stormwater flows and maintaining groundwater recharge.
- (3) *Streets, Curbs and Gutters.* Streets, curbs and gutters shall be an integral part of the stormwater management system. To the maximum extent possible, drainage systems, street layout and grades, lot patterns and location of the curbs, inlets, and site drainage and overflow swales shall be designed in accordance with the design criteria and performance standards set forth in these regulations.
- (4) *Enclosed Conveyance Systems.* Enclosed conveyance systems consisting of inlets, conduits and manholes may be used to convey stormwater runoff only where open channel flow is not feasible.
- (5) *Practices Not Exclusive.* The stormwater runoff management practices enumerated in this article shall not constitute an exclusive listing of available management practices. Other generally accepted practices and methods may be utilized where approved by the City if the minimum standards and intent as described in this chapter are maintained.

Section 6. Chapter 53, Article II, Section 53-47, subsections (b), (c), (d) and (e) of the City of

Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 53

STORMWATER MANAGEMENT

ARTICLE II. – STORMWATER RUNOFF MANAGEMENT SYSTEM

Sec. 53-47. - Private responsibilities under the stormwater management system.

- (b) Each developer/permittee and/or owner of land within the City shall have the responsibility and duty to properly design, construct, operate and maintain any on-site stormwater retention/detention facility which has not been accepted for maintenance by the City. Such responsibility shall be a covenant running with the land, transferred to subsequent owners through appropriate covenants. This maintenance shall include debris control and cleaning, cutting of vegetation, erosion repair, repair of rodent damage to dams and levees, removal of silt, and maintenance of structural facilities and all other actions necessary to accomplish the ultimate goal of stormwater control.
- (c) Owners of retention/detention basins and associated facilities shall, upon completion of construction, furnish certification by a professional engineer licensed in the state to the City Stormwater Superintendent that the retention/detention basin has adequate storage capacity and that all associated facilities including inlet and outlet structures are fully functional.
- (d) Owners of all property containing either public or private drainage systems shall provide access to the system for City maintenance crews. No structures shall be constructed to obstruct access. The City Stormwater Superintendent's approval of proposed changes to any drainage system shall be obtained prior to construction.
- (e) Owners of retention/detention basins and associated facilities with storage capacity in excess of 100,000 cubic feet total on-site storage shall furnish certification by a professional engineer licensed in the state to the City Stormwater Superintendent once every four years that the retention detention basin has adequate storage capacity City and that all associated facilities including all inlet and outlet structures are fully functional. This shall not apply to retention/detention facilities which were in place as of January 1, 2000.

Section 7. Chapter 53, Article III, Section 53-69, subsection (5), of the City of Hays, Kansas

Municipal Code is hereby amended as follows:

CHAPTER 53

STORMWATER MANAGEMENT

ARTICLE III. – PROCEDURE FOR THE SUBMISSION, REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS; SUBMISSION OF STORMWATER POLLUTION PREVENTION PLANS

Sec. 53-69. - Submission—Preliminary stormwater management plan.

- (5) A preliminary plan of the proposed storm drainage facilities including preliminary calculations of stormwater runoff and retention/detention volume, if required, to be handled by such facilities, including information regarding the effect the proposed project will have on existing downstream drainage facilities;

Section 8. Chapter 53, Article III, Section 53-70, subsection (1), of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 53

STORMWATER MANAGEMENT

ARTICLE III. – PROCEDURE FOR THE SUBMISSION, REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS; SUBMISSION OF STORMWATER POLLUTION PREVENTION PLANS

Sec. 53-70. - Same—Final stormwater management plan.

- (1) A topographic map of the project site and adjacent areas, of suitable scale and contour interval, which shall define the location of streams, the extent of floodplains and calculated high water elevations, the shoreline of lakes, ponds, swamps and retention/detention basins including their inflow and outflow structures, if any;

Section 9. Chapter 53, Article III, Section 53-70, subsection (4), of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 53

STORMWATER MANAGEMENT

ARTICLE III. – PROCEDURE FOR THE SUBMISSION, REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS; SUBMISSION OF STORMWATER POLLUTION PREVENTION PLANS

Sec. 53-70. - Same—Final stormwater management plan.

- (4) A refined layout of the proposed stormwater management system including the location and size of all drainage structures, storm sewers, channels and channel sections, retention/detention basins, and analyses regarding the effect such improvements will have upon the existing downstream drainage facilities;

Section 10. Chapter 53, Article III, Section 53-70, subsections (6) and (7), of the City of Hays, Kansas Municipal Code are hereby amended as follows:

CHAPTER 53

STORMWATER MANAGEMENT

ARTICLE III. – PROCEDURE FOR THE SUBMISSION, REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS; SUBMISSION OF STORMWATER POLLUTION PREVENTION PLANS

Sec. 53-70. - Same—Final stormwater management plan.

- (6) For all retention/detention basins, if any, a plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations;
- (7) For all retention/detention basins, if any, design hydrographs of inflow and outflow from the site under proposed project conditions;

Section 11. Chapter 53, Article III, Section 53-70, of the City of Hays, Kansas Municipal Code is hereby amended by adding subsection (10) as follows:

CHAPTER 53

STORMWATER MANAGEMENT

ARTICLE III. – PROCEDURE FOR THE SUBMISSION, REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS; SUBMISSION OF STORMWATER POLLUTION PREVENTION PLANS

Sec. 53-70. - Same—Final stormwater management plan.

- (10) For all post construction BMPs, submittal of calculations, hydrographs, plans, profiles and detailed specifications is required.

Section 12. Chapter 53, Article III, Section 53-74, of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 53

STORMWATER MANAGEMENT

ARTICLE III. – PROCEDURE FOR THE SUBMISSION, REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS; SUBMISSION OF STORMWATER POLLUTION PREVENTION PLANS

Sec. 53-74. - Stormwater pollution Prevention plan submission; amendments.

- (a) Construction sites disturbing one or more acres of land and construction sites disturbing less than one acre of land but part of a larger common plan of development within the City are required to submit a storm water pollution prevention plan that meets KDHE requirements and complies with BMPs, as part of the standard building permit process. The stormwater pollution prevention plan shall be reviewed as to form as part of the City's established platting and building permitting process. Issuance of a building permit by the City shall not be construed as an opinion about the effectiveness of the proposed stormwater pollution prevention plan.
- (b) Construction sites disturbing greater than 1,000 square feet but less than one acre and NOT part of a larger common plan of development are required to submit a storm water pollution prevention plan that details and illustrates storm water BMPs to reduce or eliminate pollutants in storm water discharges from the construction site. The storm water pollution prevention plan shall be reviewed as

to form as part of the City's established building permitting process. Issuance of a building permit by the City shall not be construed as an opinion about the effectiveness of the proposed storm water pollution prevention plan

- (c) Changes to the stormwater pollution prevention plan are authorized so long as compliance with KDHE's general construction stormwater permit is maintained. If proposed changes impact the post-construction conditions of the site, the changes shall be submitted to the City for review.

Section 13 . Chapter 53, Article IV, Section 53-101, of the City of Hays, Kansas Municipal Code is hereby amended as follows:

CHAPTER 53

STORMWATER MANAGEMENT

ARTICLE IV. – STORMWATER DESIGN CRITERIA AND PERFORMANCE STANDARDS.

Sec. 53-101. - Design Criteria.

Unless otherwise approved, the following criteria shall govern the design of improvements with respect to managing stormwater runoff:

Stormwater System Design Criteria. Unless otherwise provided by the City, the latest approved edition of Design Criteria, Storm Drainage Systems and Facilities, as approved by the City, is by reference made a part of this article as though expressly rewritten and incorporated in this article and shall govern the design of stormwater systems within the City.

Section 14 . Chapter 53, Article IV, Section 53-102, subsections (e), (f), and (g) of the City of Hays, Kansas Municipal Code are hereby amended as follows:

CHAPTER 53

STORMWATER MANAGEMENT

ARTICLE IV. – STORMWATER DESIGN CRITERIA AND PERFORMANCE STANDARDS.

Sec. 53-102. - Performance standards.

- (e) *Easements.* Permanent easements for the retention/detention and conveyance of stormwater, including easements of access to structures and facilities, shall be dedicated to the City. Easements shall be as provided in subsections 4.1, 5.1 and 6.2, Easements, Design Criteria, Storm Drainage Systems and Facilities.
- (f) *Maintenance.* Provisions acceptable to the City for perpetual maintenance of retention/detention/ facilities, best management practices, outlet works, and appurtenances shall be made as follows.

Small ditches and similar conveyances planted to turf grass needing no special long-term care shall be in rights-of-way or easement and be the responsibility of abutting property owners for regular mowing in accordance with City ordinance.

Retention/detention facilities, best management practices, outlet works, and appurtenances serving multiple properties and rights-of-way in residential, mixed-use, industrial, and commercial development shall be the long-term responsibility of property owners the facilities serve. Additionally, a restrictive covenant by deed or plat shall be required.

Retention/detention facilities, best management practices, outlet works, and appurtenances serving individual commercial and industrial properties shall be located on the same parcel as the commercial and industrial development and shall be the responsibility of the property owner, in perpetuity.

- (g) *Drainage Permits.* A drainage permit for projects including retention/detention facilities shall be granted by the City Stormwater Superintendent only after the final stormwater management plan has been approved and all easements and restrictions have been transferred, dedicated, accepted and recorded, and all required maintenance assurances and any required security or bonds have been executed and recorded, if necessary.

Section 15. Chapter 53, Article V, Section 53-135, of the City of Hays, Kansas Municipal Code is hereby amended by adding subsection (f) as follows:

CHAPTER 53

STORMWATER MANAGEMENT

ARTICLE V. – DRAINAGE PERMITS AND PROHIBITED ACTS

Sec. 53-135. - Prohibitions.

- f) No person shall discharge otherwise allowable waters under this Chapter to public property and rights-of-way which causes damage, harm or inconvenience to the public through prolonged saturation, erosion, water pollution or damage to property.

Section 16. This ordinance shall take effect and be in force from and after its passage and publication one time in the Hays Daily News, the official City newspaper.

PASSED by the Commission on February 26, 2015.

HENRY SCHWALLER, IV
Mayor

ATTEST:

BRENDA KITCHEN
City Clerk

(SEAL)

Chapter 53 - STORMWATER MANAGEMENT

ARTICLE I. - IN GENERAL

ARTICLE II. - STORMWATER RUNOFF MANAGEMENT SYSTEM

ARTICLE III. - PROCEDURE FOR THE SUBMISSION, REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS; SUBMISSION OF STORMWATER POLLUTION PREVENTION PLANS

ARTICLE IV. - STORMWATER DESIGN CRITERIA AND PERFORMANCE STANDARDS

ARTICLE V. - DRAINAGE PERMITS AND PROHIBITED ACTS

ARTICLE VI. - ENFORCEMENT

ARTICLE VII. - STORMWATER UTILITY

ARTICLE I. - IN GENERAL

Sec. 53-1. - Title.

Sec. 53-2. - Authority.

Sec. 53-3. - Applicability.

Sec. 53-4. - Interpretations.

Sec. 53-5. - Purpose.

Sec. 53-6. - Relationship to other law.

Sec. 53-7. - Conflict with public and private provisions.

Sec. 53-8. - Amendment.

Sec. 53-9. - Disclaimer of liability.

Sec. 53-10. - Definitions.

Sec. 53-11. - Designation of city stormwater superintendent.

Sec. 53-12. - Severability.

Secs. 53-13—53-40. - Reserved.

Sec. 53-1. - Title.

This chapter shall hereafter be known, cited and referred to as the "Stormwater Management Ordinance" of the city.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-2. - Authority.

These regulations are adopted pursuant to the power and authority vested through relevant statutory enabling provisions and other applicable laws and statutes of the state.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-3. - Applicability.

(a)

The provisions of this chapter shall extend and apply to all land and existing or proposed improvements thereon within the corporate limits of the city and to all substances entering the municipal stormwater drainage system generated on any developed and undeveloped lands within the corporate limits of the city, unless explicitly exempted under the provisions of this chapter.

(b)

Post construction storm water controls include water quality treatment and flood control. Post construction storm water controls are required in the following circumstances:

For properties in the major system as defined in Section 53-4240:

When any property or larger common plan of development proposes to add 10,000 square feet of impervious area, it shall meet requirements of the Post Construction Storm Water Best Management Practices manual. Redevelopment shall be required to control the 85% storm for water quality purposes. New development shall be required to control the 90% storm for water quality purposes.

When any property or larger common plan of development disturbs more than one acre of land, it shall meet the requirements of the Post Construction Storm Water Best Management Practices manual. Redevelopment shall be required to control the 85% storm for water quality purposes. New development shall be required to control the 90% storm for water quality purposes.

For properties in the minor system as defined in Section 53-4210:

When any property or larger common plan of development proposes to add 10,000 square feet of impervious area, it shall meet requirements of the Post Construction Storm Water Best Management Practices manual AND ensure that post-development runoff from the 5 year, 25 year and 100 year storm event results in no increase in peak flow rates from the entire site in accordance with the most recently adopted “Design Criteria Storm Drainage Systems and Facilities.”

When any property or larger common plan of development disturbs more than one acre of land, it shall meet the requirements of the Post Construction Storm Water Best Management Practices manual. Redevelopment shall be required to control the 85% storm for water quality purposes. New development shall be required to control the 90% storm for water quality purposes.

(c)

Storm water pollution prevention for properties in the major and minor system:

When any property proposes to disturb greater than 1,000 square feet, it shall be required to submit a storm water pollution prevention plan before a building permit is issued. The storm water pollution prevention plan shall detail construction site Best Management Practices that prevent the illicit discharge of prohibited substances, as detailed in Section 53-136, into municipal storm water drainage system.

(d)

Any person proposing to construct buildings or develop land, or make improvements to existing buildings or projects, or grade land within the area described in this section, or take any action the net effect of which will cause a change in existing stormwater runoff, shall make application to the city engineer for approval of a stormwater management plan and issuance of a drainage permit as specified in this chapter. No land shall be graded, developed, or improvements constructed except upon issuance of such drainage permit or as exempted herein.

(ee)

Any person required to have construction stormwater permit coverage to discharge stormwater associated with construction activities shall make application to KDHE for issuance of a permit.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-4. - Interpretations.

The provisions of this chapter are intended to supplement existing zoning and land use ordinances of the city. In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of public health, safety and general welfare.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-5. - Purpose.

In order to promote the public health, safety, and general welfare of the citizens of the city, the ordinance from which this chapter is derived is enacted for the general purpose of assuring the proper balance between the use of land and the preservation of a safe and beneficial environment. The maintenance, improvement and protection of the stormwater drainage system of the city necessitates the prevention of the discharge of contaminated stormwater runoff and illicit discharges from industrial, commercial, residential and construction sites into the stormwater drainage system. The establishment of regulations in this regard is necessary not only to facilitate compliance with state and federal standards and permit by owners for construction sites within the city, but also to enable the city to comply with all federal and state laws and regulations applicable to the National Pollution Discharge Elimination System (NPDES). More specifically, the provisions of these regulations, as amended from time to time, are intended to reduce property damage and to minimize the hazards of personal injury and loss of life due to flooding, to be accomplished by:

(1)

Establishing the major and minor stormwater management systems;

(2)

Defining and establishing stormwater management controls and practices;

(3)

Establishing guidelines for attenuating or avoiding flooding within the city from the cumulative effects of increased volume and peak discharge of surface water runoff;

(4)

Establishing an appeals board, which shall be the Hays Area Board of Zoning Appeals, to review decisions of the city stormwater superintendent or city engineer.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-6. - Relationship to other law.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing regulations, or as discontinuing, abating, modifying or altering any penalty accruing or about to accrue, or as affecting the liability of any person as waiving any right of the city under any section or provision existing at the time of adoption of the ordinance from which this chapter is derived, or as vacating or annulling any rights obtained by any person by lawful action of the city, except as shall be expressly provided for in these regulations.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-7. - Conflict with public and private provisions.

(a)

Public Provisions. These regulations are not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. Where any provision of these regulations imposes restrictions different from those imposed by any other ordinance, rule or regulation or other provision of the law, whichever provisions are more restrictive or impose higher standards shall control.

(b)

Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction; provided that where the provisions of these regulations are more restrictive or impose higher standards or regulations than such easement, covenant or private agreement or restriction impose duties and obligations more restrictive, or higher standards than the requirements of these regulations, and such private provisions are inconsistent with these regulations or determinations made hereunder.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-8. - Amendment.

For the purpose of providing the public health, safety and general welfare, the governing body may, from time to time, amend the provisions of these regulations.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-9. - Disclaimer of liability.

The performance standards and design criteria set forth in this chapter establish minimum requirements which must be implemented with good engineering practice and workmanship. Use of the requirements contained in this chapter shall not constitute a representation, guarantee or warranty of any kind by the city, its agents, or its officers and employees, of the adequacy or safety of any stormwater pollution prevention plan,

stormwater management plan, structure, or use of land. Nor shall the approval of a stormwater pollution prevention plan or stormwater management plan and the issuance of a drainage permit imply that land uses permitted will be free from damages caused by stormwater runoff. The degree of protection by these regulations is considered reasonable for regulatory purposes and is based on historical records, engineering and scientific methods of study. Larger storms may occur or stormwater runoff heights may be increased by manmade or natural causes. These regulations therefore shall not create liability on the part of the city, its agents, or any officer or employee with respect to any legislative or administrative decision lawfully made hereunder.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-10. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. Words used in the present tense include the future tense; words used in the singular number shall include the plural, and vice-versa; the term "building" includes the term "structure"; the term "person" includes corporation, partnership, and unincorporated association of persons; the term "used for" includes the meaning "designated for" or "intended for;" and the word "shall" or the word "must" is mandatory.

Base flood means the flood has a one-percent chance of being equaled or exceeded in any given year; the 100-year flood.

Best management practices and *BMPs* means a defined set of activities, prohibitions, pollution prevention and educational practices, maintenance procedures, and other management practices designed to prevent or reduce the discharge of pollutants directly or indirectly into stormwater, receiving waters, or stormwater conveyance systems. Best management practices and BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage and leaks, sludge and water disposal, and drainage from raw materials storage.

Bond means any form of security for the completion or performance of a stormwater management plan or the maintenance of drainage improvements, including surety bond, collateral, property or instrument of credit, or escrow deposit in the amount and form satisfactory to the governing body.

Bridge means a structure generally consisting of abutments and a superstructure used to carry traffic over a channel.

Building means any existing or proposed structure built for the support, shelter or enclosure of persons, animals, chattels, or movable property of any kind.

Channel means a watercourse of perceptible extent, either natural or improved, which periodically or continuously contains moving water or which forms a connecting link between two bodies of water.

City means the City of Hays, Kansas.

City BMPs means the best management practices established by the city stormwater superintendent for the city under the authority of this chapter.

City engineer means the person assigned by the director of public works to complete technical tasks associated with stormwater issues.

City stormwater superintendent means the city employee responsible for implementing, administering and enforcing the provisions of this chapter.

Construction activity means any activity, including clearing, grading and excavating, which results in disturbance of any land surface.

Contaminated means containing substances regarded under state or federal law as being pollutants.

Culvert means a closed conduit used for the passage of stormwater under an embankment such as a street, railroad or levee.

Detention means a stormwater management technique of which the primary function is to control the peak rate of surface water runoff by utilizing temporary storage and a controlled rate of release. This may include, but not be limited to, the use of reservoirs, rooftops, parking areas, holding tanks, in-pipe storage, and in-channel storage.

Discharge means the release, addition or introduction of any substance directly or indirectly into the municipal stormwater drainage system.

Drainage permit means a permit issued by the city subsequent to approval of a final stormwater management plan.

Dry bottom basin means a natural or artificial stormwater storage area which is designed and maintained for temporary containment of stormwater runoff and is not designed to retain water.

Easement means authorization by a property owner for use by another party of all or any portion of his land for a specified purpose.

Enclosed conveyance system means a system for conveying stormwater runoff consisting of inlets, manholes and storm sewers.

EPA means the United States Environmental Protection Agency.

Erosion means the wearing away of land by wind and water.

Five-year storm means a rainstorm having a 20-percent chance of occurrence in any given year.

Floodplain means the land area adjoining a river, stream, watercourse, or lake which is likely to be flooded in the event of a 100-year flood.

Floodway means the channel of a watercourse and the adjacent land area that must be reserved in order to discharge a 100-year flood without cumulatively increasing the water surface elevation more than one foot.

Freeboard means a factor of safety expressed as the difference in elevation between the top of a retention/detention basin dam or channel bank and the design surface water elevation resulting from the storm for which the basin's required storage volume or channel's flow was determined.

Habitable dwelling unit means a dwelling unit intended for and suitable for human habitation.

Hazardous waste means any substance, material or waste identified or listed as a hazardous waste by the EPA pursuant to 40 CFR Part 261.

Household hazardous waste means any substance, material or waste identified or listed as a household hazardous waste pursuant to K.A.R. 28-29-23b.

Illicit connections means either of the following:

(1)

Any drain or conveyance, whether on the surface or subsurface, that allows an illicit discharge to enter the municipal stormwater drainage system either directly or indirectly;
or

(2)

Any drain or conveyance connected from a commercial or industrial land use to the municipal stormwater drainage system, either directly or indirectly, and which has not been documented in any approved plans, maps or equivalent records, or which has not otherwise been approved by the city stormwater superintendent.

Illicit discharge means any occurrence prohibited under the provisions of Section 53-135.

Inlet means an opening into a storm sewer system for the entrance of runoff.

KDHE means the Kansas Department of Health and Environment, or any duly authorized official of the Kansas Department of Health and Environment acting on its behalf.

Manhole means a structure through which a person may enter to gain access to a storm sewer.

Municipal stormwater drainage system means the system of conveyances (including sidewalks, roads, streets, curbs, gutters, ditches, designated drainage easements, inlets, drains, catch basins, pipes, tunnels, culverts, channels, creeks, rivers, streams, retention/detention basins and ponds owned, operated or otherwise utilized by the city for collecting or conveying stormwater and stormwater drainage, and that is not intended for the collection or conveyance of sewage.

National Pollutant Discharge Elimination System and NPDES means the national system for the issuance of permits under 42 U.S.C. Section 1342, and includes any state or interstate program which has been approved by the administrator, in whole or in part, pursuant to 42 U.S.C. Section 1342.

NPDES stormwater discharge permit means an NPDES stormwater discharge permit issued by the EPA, or issued by a State under authority delegated pursuant to 33 USC § 1342(b), which permit authorizes and regulates discharges into surface waters of the United States, whether the permit is applicable on an individual, group or general area-wide basis.

Nonstormwater discharge means any discharge to the storm drain system that is not composed entirely of stormwater.

100-year storm means a rainstorm having a one-percent chance of occurrence in any given year.

Open conveyance system means a system for conveying stormwater runoff consisting of natural and/or improved open channels with intermittent culverts or bridges crossing streets, railroads or other surfaced areas.

Peak rate of runoff means the maximum rate of runoff for a given return frequency storm.

Permittee means a person, partnership or corporation to whom a permit is granted.

Person means any individual, association, organization, partnership, firm, corporation or other legal entity.

Pollutant means any substance or material which contaminates or adversely alters the physical, chemical or biological properties of water, including changes in the temperature, taste, odor, turbidity or color of water. Pollutant includes, but is not limited to the following: Dredged spoil; spoil waste; incinerator residue; animal waste; trash, refuse and garbage; sewage and sewage sludge; chemical waste; biological materials;

radioactive materials; wrecked or discarded objects and equipment; rock, sand and soil; yard waste; hazardous waste and household hazardous waste; oil and petroleum products or waste; paints, varnishes and solvents; automotive fluids; nonhazardous liquid and solid wastes and yard wastes; pesticides, herbicides, and fertilizers; fecal coliform and pathogens; dissolved and particulate metals; and wastes and residues which result from the construction or demolition of any building or structure.

Plat means a legally recorded plan of a parcel of land indicating the location and dimension of such features as streets, alleys, lots, easements and other elements pertinent to a subdivision.

Premises means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

Public-owned improvements means improvements such as, but not limited to, concrete channel liner, pipe of various sizes and materials, box culverts and miscellaneous other concrete structures located on public rights-of-way or easements.

Rational method means an empirical formula for calculating peak rates of stormwater runoff resulting from rainfall.

Release means to dump, spill, leak, pump, pour, emit, empty, inject, leach, dispose, add or otherwise introduce any substance, directly or indirectly, or intentionally or unintentionally, into the municipal stormwater drainage system.

Retention means a stormwater management technique of which the primary function is to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground.

Return frequency means the average interval of time which a given event will be equaled or exceeded once.

Runoff means water resulting from precipitation which is not absorbed by the soil, evaporated into the atmosphere, or entrapped by ground surface depressions and vegetation, and which flows over the ground surface.

Runoff total means the total volume of stormwater runoff from a tributary area for a definite period of time such as a day, month or a year, or for the duration of a particular storm.

Sediment means soil and rock material transported, carried or deposited by water.

Storm sewer means a closed conduit for transporting stormwater runoff that has been collected by inlets.

Stormwater means any surface flow, runoff or drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Structure means any object constructed above or below ground.

Ten-year storm means a rainstorm having a ten-percent chance of occurrence in any given year.

Tributary area means all of the area contributing runoff to a given point of consideration, both public and private.

Uncontaminated means not containing pollutants.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Watercourse means any stream, creek, brook, branch, depression, reservoir, lake, pond, or drainageway in or into which stormwater runoff flows.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-11. - Designation of city stormwater superintendent.

The stormwater superintendent of the city is hereby authorized and directed to implement, administer and enforce provisions of this chapter, and to perform all functions and duties, and to exercise such authority and discretion as prescribed under this chapter. The stormwater superintendent, with the approval of the city manager, may delegate any of the powers, duties or functions prescribed under this chapter.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-12. - Severability.

If for any reason any section, subsection, sentence, clause or phrase of this chapter or the application thereof to any person or circumstance is declared to be unconstitutional or invalid or unenforceable, such decision shall not affect the validity of the remaining portions of this chapter.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-13. – Adoption of “Post Construction Storm Water Best Management Practices” manual.

The city hereby adopts the document “Post Construction Storm Water Best Management Practices” authored in April 2009 by Wilson & Company and CDM.

Secs. 53-134—53-40. - Reserved.

Hays, Kansas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 53 - STORMWATER MANAGEMENT >> ARTICLE II. - STORMWATER RUNOFF MANAGEMENT SYSTEM >>

ARTICLE II. - STORMWATER RUNOFF MANAGEMENT SYSTEM

Sec. 53-41. - General.

Sec. 53-42. - Major system.

Sec. 53-43. - Minor system.

Sec. 53-44. - Management—Controls.

Sec. 53-45. - Same—Practices.

Sec. 53-46. - Public responsibilities under the stormwater management system.

Sec. 53-47. - Private responsibilities under the stormwater management system.

Secs. 53-48—53-67. - Reserved.

Sec. 53-41. - General.

(a)

This article establishes the stormwater runoff management system which shall be composed of a major system, a minor system, management controls, and management practices.

(b)

These regulations apply to the minor system.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-42. - Major system.

(a)

The major system shall be composed of the regulatory floodplain as shown on the National Flood Insurance Program maps developed for the city by the Federal Emergency Management Agency (FEMA).

(b)

Floodplain management regulations adopted by the city shall govern development and improvements within the regulatory floodplain.

(c)

For areas located in FEMA zone A outside the detailed study area, the developer shall prepare studies and calculations establishing the floodplain elevation and width. These calculations shall be submitted to the city engineer for review.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-43. - Minor system.

The minor system shall consist of storm drainage facilities including, but not necessarily limited to, roadway curb and gutter, open channels, gullies, streams, creeks, swales, and enclosed and open conveyance systems which transport storm runoff to the major system.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-44. - Management—Controls.

(a)

Management controls are regulations applicable to the minor system under the provisions of this chapter. Such controls shall govern any activity which will adversely affect hydraulic function of any stormwater drainage facilities, public or private, including, but not limited to, retention/detention facilities, open channels, drainage swales, enclosed or open stormwater conveyance systems.

~~(b)~~

~~Applicability of the use of stormwater management controls for proposed projects or improvements thereon shall apply in the following situations:~~

~~(1)~~

~~Additions to, improvements or repair of existing retail, commercial, institutional or industrial structures;~~

~~(2)~~

~~New construction of any residential, retail, commercial, institutional or industrial development.~~

(c)

~~These requirements do not apply to:~~

~~(1)~~

~~Situations in which downstream flooding is entirely confined within the limits of the 100-year floodplain as defined by the Federal Insurance Study (FIS) current at the time of the development and no existing or proposed structures or property will be adversely impacted;~~

~~(2)~~

~~Additions to, improvements and repairs of existing single family or duplex dwellings;~~

~~(3)~~

~~Remodeling, repair, replacement, and improvements to any existing structure or facility and appurtenances that increase the impervious area by less than 10,000 square feet;~~

~~(4)~~

~~Improvements to any site having a gross land area of one fourth acre or less, regardless of land use;~~

~~(5)~~

~~Construction of any one new single family dwelling unit.~~

(bd)

The building code administrator shall refer all development plans and all building permit applications that may require a stormwater management plan and subsequent drainage permit to the city stormwater superintendent for determination of applicability of this chapter thereto.

(ce)

The drainage permit fee is as set out in Section 53-134

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-45. - Same—Practices.

The following practices may be utilized upon approval of the city stormwater superintendent. Use of these methods shall be fully in accordance with the design criteria and performance standards as set forth for the following:

(1)

Storage. Runoff may be stored in temporary or permanent retention/detention basins, through rooftop or parking lot ponding, percolation storage, or by other approved means.

(2)

Enclosed Systems with Underground Structures. Enclosed systems consisting of underground pipes, culverts, and similar functional underground structures shall not be used to convey stormwater unless overland conveyance is proven infeasible by the design engineer. Short sections of pipe are allowable in order to reduce risk to adjacent properties and drain stormwater best management practices. Maximum use of open channels is required in order to reduce long-term liability of the city for infrastructure maintenance and to promote improved water quality while reducing stormwater flows and maintaining groundwater recharge.

~~Enclosed systems consisting of underground pipes, culverts and similar functional underground structures shall be used to convey stormwater at all locations:~~

~~a.~~

~~Where the design peak discharge of the five year return period storm is equal to or less than the capacity of a 72-inch diameter round pipe with a Manning's "n" of 0.013 using the existing slope;~~

~~b.~~

~~Within the right of way of improved streets regardless of system design capacity;~~

~~c.~~

~~Within 50 feet of any existing or proposed habitable building regardless of system design capacity;~~

~~d.~~

~~For developed areas where the design peak discharge of a ten year return period storm equals or exceeds eight CFS and the collected drainage is generated from more than one lot;~~

e.

~~Open channels will be used where designated by the city.~~

(3)

Streets, Curbs and Gutters. Streets, curbs and gutters shall be an integral part of the stormwater management system. To the maximum extent possible, drainage systems, street layout and grades, lot patterns and location of the curbs, inlets, and site drainage and overflow swales shall be concurrently designed in accordance with the design criteria and performance standards set forth in these regulations.

(4)

Enclosed Conveyance Systems. Enclosed conveyance systems consisting of inlets, conduits and manholes may be used to convey stormwater runoff only where open channel flow is infeasible. ~~except as designated as open channel by the city.~~

(5)

Practices Not Exclusive. The stormwater runoff management practices enumerated in this article shall not constitute an exclusive listing of available management practices. Other generally accepted practices and methods may be utilized where approved by the city engineer if the minimum standards and intent as described in this chapter are maintained.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-46. - Public responsibilities under the stormwater management system.

(a)

Administration. The administration of these regulations shall be the responsibility of the city stormwater superintendent, or his designee, who shall review and approve stormwater management plans as provided in this chapter.

(b)

Operation and Maintenance of Public-Owned Facilities. The city shall be responsible for all maintenance of the public-owned drainage system, either improved or unimproved, located on a right-of-way and city-owned property. Maintenance of the public-owned drainage system located on private property and/or in utility or drainage easements shall be limited to the public-owned improvements such as concrete structures, pipelines or concrete channel liner, and to the repair of any erosion-caused drainage system failure within this improved portion only of the drainage system. The city will maintain the free flow of all storm drainage within the corporate limits of the city. However, it shall be the responsibility of the owner, occupant or agent in charge of private property, upon which

the public storm drainage system exists, to maintain all vegetation including mowing the grass and weeds, trimming and/or removal of dead trees and shrubs and providing of such other general maintenance as is required except as described in this subsection.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-47. - Private responsibilities under the stormwater management system.

(a)

Each developer/permittee and/or owner of land within the city has the responsibility to provide all approved stormwater runoff management facilities to ensure the adequate drainage and control of stormwater on the developer's/permittee's and/or property owner's property both during and after construction of such facilities.

(b)

Each developer/permittee and/or owner of land within the city has the responsibility and duty before and after construction to properly operate and maintain any on-site stormwater retention/detention facility which has not been accepted for maintenance by the city. Such responsibility is to be transmitted to subsequent owners through appropriate covenants. This maintenance shall include debris control and cleaning, cutting of vegetation, erosion repair, repair of rodent damage to dams and levees, removal of silt, and maintenance of structural facilities.

(c)

Owners of retention/detention basins and associated facilities upon completion of construction shall furnish certification by a professional engineer licensed in the state to the city stormwater superintendent that the retention/detention basin has full storage capacity and that all associated facilities including inlet and outlet structures are fully functional.

(d)

Owners of all property containing either public or private drainage systems shall provide access to the system for city maintenance crews. No structures shall be constructed to obstruct access. The city stormwater superintendent must approve proposed changes to any drainage system prior to construction.

(e)

Owners of retention/detention basins and associated facilities with storage capacity in excess of 100,000 cubic feet total on-site storage shall furnish certification by a professional engineer licensed in the state to the city stormwater superintendent once every four years that the retention detention basin has full storage capacity and that all

associated facilities including all inlet and outlet structures are fully functional, excluding regional retention/detention facilities currently in place as of January 1, 2000.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Secs. 53-48—53-67. - Reserved.

Hays, Kansas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 53 - STORMWATER MANAGEMENT >> ARTICLE III. - PROCEDURE FOR THE SUBMISSION, REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS; SUBMISSION OF STORMWATER POLLUTION PREVENTION PLANS >>

**ARTICLE III. - PROCEDURE FOR THE SUBMISSION, REVIEW AND APPROVAL OF STORMWATER MANAGEMENT PLANS;
SUBMISSION OF STORMWATER POLLUTION PREVENTION PLANS**

Sec. 53-68. - General.

Sec. 53-69. - Submission—Preliminary stormwater management plan.

Sec. 53-70. - Same—Final stormwater management plan.

Sec. 53-71. - Review and approval of final stormwater management plan.

Sec. 53-72. - Establishment of construction activities best management practices (BMPs) and requirements for stormwater pollution prevention plans.

Sec. 53-73. - Requirement of stormwater pollution prevention plans for subdivision developments.

Sec. 53-74. - Stormwater pollution prevention plan submission; amendments.

Sec. 53-75. - Requirements applicable to utility companies.

Sec. 53-76. - Requirements generally applicable.

Sec. 53-77. - Requirements for industrial stormwater and other permitted discharges.

Secs. 53-78—53-100. - Reserved.

Sec. 53-68. - General.

The stormwater management plan and/or all construction drawings and specifications shall be prepared, signed and sealed by a professional engineer licensed in the state. All plans shall be submitted to and approved by the city stormwater superintendent prior to issuance of a building or construction permit. No building or construction permits shall be issued prior to the approval of the stormwater management plan and issuance of a drainage permit by the city stormwater superintendent.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-69. - Submission—Preliminary stormwater management plan.

A preliminary stormwater management plan shall accompany preliminary applications for any proposed project. This preliminary plan shall contain, but not be limited to, the following information and data:

(1)

A site plan of suitable scale and contour interval indicating topographical information of the land to be developed and adjoining land tributary to the point of consideration whose topography may affect the proposed layout or drainage patterns for the project. A general plan of final contours of the project site shall also be indicated. All existing streams, waterways, channels and the extent of the established floodplains shall be indicated;

(2)

The location and calculated peak discharge rates to all adjacent storm drainage facilities;

(3)

The type and drainage characteristics of soils contained in the project area;

(4)

A description of the concepts to be considered within the project to handle anticipated stormwater runoff including the methods to be utilized to detain or control increased stormwater runoff generated by the proposed project;

(5)

A preliminary plan of the proposed storm drainage facilities including preliminary calculations of stormwater runoff and retention/detention volume, if required, to be handled by such facilities, including information regarding the effect the proposed project will have on existing downstream drainage facilities;

(6)

A description of the possible effects that the proposed project could have on areas adjoining and upstream of the project, including adjacent property;

(7)

Following the receipt of the preliminary stormwater management plan, a general review meeting will be conducted and shall include the city stormwater superintendent or his staff, representatives of the developer/permittee and the developer's/permittee's engineer. The purpose of this review shall be to jointly agree on the conceptual methods proposed to be utilized and the possible effects of the proposed project on existing or future adjacent projects.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-70. - Same—Final stormwater management plan.

Following the review of the preliminary stormwater management plan, and after general approval of the preliminary plan by the city stormwater superintendent, a final stormwater management plan shall be prepared. The submittal of the final plan shall coincide with the application for final approval of the project and shall constitute a refinement of the concepts approved in the preliminary plan. If a project is to be phased, the total area of the conceptual project is to be considered in all calculations, and facilities shall be designed for each phase which would be compatible with those of the total project plan. The final stormwater management plan for any project shall include, but not be limited to, the following additional detailed information, unless specifically excluded during the preliminary concept review meeting:

(1)

A topographic map of the project site and adjacent areas, of suitable scale and contour interval, which shall define the location of streams, the extent of floodplains and calculated high water elevations, the shoreline of lakes, ponds, swamps and retention/detention basins including their inflow and outflow structures, if any;

(2)

The location, size, material (i.e., reinforced concrete pipe), slope, and invert elevation of all existing sanitary or storm sewers, and the location of any existing stormwater wastewater pumping or treatment facilities, which fall within the project limits plus 200 feet outside the project limits;

(3)

Detailed determination of runoff anticipated for the entire project site following project completion indicating design volumes and rates of proposed runoff for each portion of the watershed tributary to the storm drainage system, the calculations used to determine

such runoff volumes and rates and review of the criteria which have been used by the project engineer throughout his calculations;

(4)

A refined layout of the proposed stormwater management system including the location and size of all drainage structures, storm sewers, channels and channel sections, retention/detention basins, and analyses regarding the effect such improvements will have upon the existing downstream drainage facilities;

(5)

The slope, type, size and flow calculations for all existing and proposed storm sewers and other waterways;

(6)

For all retention/detention basins, if any, a plot or tabulation of storage volumes with corresponding water surface elevations and of the basin outflow rates for those water surface elevations;

(7)

For all retention/detention basins, if any, design hydrographs of inflow and outflow from the site under proposed project conditions;

(8)

A stormwater pollution prevention plan for the entire project site as required by Section 53-74

(9)

A profile and one or more cross sections of all existing and proposed channels or other open drainage facilities, indicating existing conditions and the proposed changes thereto, together with the high water elevations expected from stormwater runoff under the controlled conditions called for by these regulations and the relationship of structures, streets and other utilities to such channels for a distance as far downstream as the runoff will have a noticeable effect.

(10)

For all post construction BMPs, submittal of calculations, hydrographs, plans, profiles and detailed specifications is required.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-71. - Review and approval of final stormwater management plan.

The final stormwater management plan shall be reviewed by the city engineer. If it is determined according to present engineering practice that the proposed project will provide control of stormwater runoff in accordance with the purposes, design criteria and performance standards of these regulations and will not be detrimental to the public health, safety and general welfare, the city engineer shall approve the plan or conditionally approve the plan, setting forth the conditions thereof. A drainage permit for the project shall be granted; provided, the requirements for the drainage permit in Section 53-133 have been met. If it is determined that the proposed project will not control stormwater runoff in accordance with these regulations, the city engineer shall disapprove the final stormwater management plan. If disapproved, the application and data shall be returned to the applicant for review, revision and resubmittal. Time frames for filing, review and approval of stormwater management plans shall coincide with applicable time periods in Chapters 59 and 71.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-72. - Establishment of construction activities best management practices (BMPs) and requirements for stormwater pollution prevention plans.

All construction sites in the city required to have construction stormwater permit coverage to discharge stormwater associated with construction activities must obtain permit coverage from KDHE prior to issuance of any building permits by the city. No building permits shall be issued by the city unless proof of KDHE permit coverage is shown to the city stormwater superintendent.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-73. - Requirement of stormwater pollution prevention plans for subdivision developments.

(a)

Where construction of any residential, commercial or industrial subdivision development will involve one or more construction activities during the life of the development project, the owner of a site of any construction activity, and any developer on the owner's behalf, shall submit a stormwater pollution prevention plan that meets KDHE requirements and complies with BMPs, as part of any platting of such subdivision; or, if the subdivision is already platted and is not subject to an existing stormwater pollution prevention plan, then such shall be submitted as part of the site plans in relation to the initial building permit application within such development. The stormwater pollution prevention plan shall provide for all phases of development within the subdivision, including general grading and the construction of individual buildings and other improvements within the development, but shall not be required to include the

construction of public improvements which are to be constructed by the city therein, such as internal water and sewer mains and public streets and sidewalks.

(b)

The subdivision owner shall provide a copy of the stormwater pollution prevention plan to all contractors and utility companies prior to their working within the subdivision.

(c)

The subdivision owner shall be responsible for implementation of the stormwater pollution prevention plan as to all construction activity within the development, excluding construction under the control of a subsequent owner of an individual lot or parcel or as to construction managed by utility companies.

(d)

Any subsequent owner of an individual lot or parcel with such a subdivision shall be responsible for continued implementation of the stormwater pollution prevention plan for all construction activity within or related to that owner's lot or parcel, excluding construction managed by utility companies.

(e)

The subdivision owner shall be responsible for maintenance of common controls such as sedimentation basins until all construction activity draining to the common control is 85 percent completed and the surfaces are stabilized with permanent vegetation or non-eroding surfaces.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-74. - Stormwater pollution prevention plan submission; amendments.

(a)

Construction sites disturbing one or more acres of land and construction sites disturbing less than one acre of land but part of a larger common plan of development within the city are required to submit a stormwater pollution prevention plan that meets KDHE requirements and complies with BMPs, as part of the standard building permit process. The stormwater pollution prevention plan shall be reviewed as to form as part of the city's established platting and building permitting process. Issuance of a building permit by the city shall not be construed to indicate an opinion about the effectiveness of the proposed stormwater pollution prevention plan.

(b)

Construction sites disturbing greater than 1,000 square feet but less than one acre and NOT part of a larger common plan of development are required to submit a storm water pollution prevention plan that details and illustrates storm water BMPs to reduce or eliminate pollutants in storm water discharges from the construction site. The storm water pollution prevention plan shall be reviewed as to form as part of the city's established building permitting process. Issuance of a building permit by the city shall not be construed to indicate an opinion about the effectiveness of the proposed storm water pollution prevention plan

~~Projects disturbing less than one acre of land but part of a larger common plan of development (as described in the most recent version of KDHE's general construction stormwater permit) are not required to submit construction stormwater pollution prevention plans. Operators of these construction sites must comply with all KDHE permitting requirements and inspection and enforcement of any violations by the city.~~

(c)

Changes to the stormwater pollution prevention plan are authorized so long as compliance with KDHE's general construction stormwater permit is maintained. If proposed changes impact the post-construction conditions of the site, the changes must be submitted to the city for review.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-75. - Requirements applicable to utility companies.

(a)

Utility companies operating within the city are required to use BMPs such as downslope controls, spill prevention and cleanup best practices and immediate site stabilization measures.

(b)

Utility companies are prohibited from making illicit discharges to the municipal storm sewer system.

(c)

Utility companies performing large projects not routine in nature disturbing more than one acre of land within the city are required to obtain KDHE general construction stormwater permit coverage and submit a stormwater pollution prevention plan that meets KDHE requirements and complies with BMPs, to the city prior to beginning work.

(d)

Utility companies operating within a construction site permitted to a third party must follow best management practices within the permitted construction site.

(e)

Utility companies are subject to all enforcement measures provided for in this and other ordinances.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-76. - Requirements generally applicable.

(a)

No contractor, subcontractor or utility company shall enter the site subject to a stormwater pollution prevention plan for the purpose of engaging in any work thereof prior to obtaining a copy of that stormwater pollution prevention plan for the site or project, and without taking such steps as necessary so that its activities on that site are in compliance with the stormwater pollution prevention plan.

(b)

Each contractor, subcontractor and utility company is responsible for taking all reasonable steps necessary to avoid damaging any BMP devices once in place. Any person whose actions or neglect have resulted in the alteration, damage or impairment of any BMP devices in place pursuant to a stormwater pollution prevention plan shall immediately repair or remedy the same, and shall be responsible for all costs necessary for such repair and remediation.

(c)

It shall be unlawful for any person responsible for performance of and/or adherence to a stormwater pollution prevention plan to fail to comply with the requirements of that plan. The requirements under a stormwater pollution prevention plan shall remain applicable until such time as the construction activities under the plan have been satisfactorily completed and the site surface properly stabilized or covered as determined by the city stormwater superintendent.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-77. - Requirements for industrial stormwater and other permitted discharges.

Any person who is required to have a construction or industrial activity NPDES stormwater discharge permit shall comply with all provisions of such permit, and further shall be required to do the following:

(1)

Dischargers of stormwater associated with industrial activity and other holders of national pollutant discharge elimination system permits must provide proof of compliance with the provisions of the NPDES stormwater discharge permit when requested by and in a form acceptable to the city stormwater superintendent.

(2)

The fact that a person has conducted all activities in conformance with a stormwater pollution prevention plan or in conformance with approved or established BMPs shall not constitute a defense to a charge of violation of the illicit discharge prohibitions of this chapter.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Secs. 53-78—53-100. - Reserved.

Hays, Kansas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 53 - STORMWATER MANAGEMENT >> ARTICLE IV. - STORMWATER DESIGN CRITERIA AND PERFORMANCE STANDARDS >>

ARTICLE IV. - STORMWATER DESIGN CRITERIA AND PERFORMANCE STANDARDS

Sec. 53-101. - Design criteria.

Sec. 53-102. - Performance standards.

Secs. 53-103—53-132. - Reserved.

Sec. 53-101. - Design criteria.

Unless otherwise approved, the following criteria shall govern the design of improvements with respect to managing stormwater runoff:

⊕

Stormwater System Design Criteria. Unless otherwise provided by the city engineer, the latest approved edition of Design Criteria, Storm Drainage Systems and Facilities, as approved by the city, which is by reference made a part of this article as though expressly

rewritten and incorporated in this article, shall govern the design of stormwater systems within the city.

(2)

~~*Project Design.* Streets, blocks, depth of lots, parks, and other public grounds shall be located and laid out in such a manner as to minimize the velocity of overland flow and allow maximum opportunity for infiltration of stormwater into the ground, and to preserve and utilize existing and planned streams, channels and detention basins, and include, whenever possible, streams and channels within parks and other public grounds.~~

(3)

~~*Methods of Controlling Downstream Flooding.* The developer's/permittee's engineering consultant shall determine whether the proposed plan will cause or increase downstream local flooding conditions. This determination shall be made on the basis of existing downstream development and drainage system capabilities, and an analysis of stormwater runoff both prior to and after the proposed project is completed. Should the developer's/permittee's engineering consultant determine that the proposed project will cause or increase downstream local flooding conditions during the design storm, provisions to eliminate such flooding conditions shall be included in the design of storm drainage improvements. Such provisions may include downstream conveyance system improvements and/or on-site detention facilities to control discharge to the downstream storm drainage system (refer to Storm Drainage Systems Facilities Design Criteria, Section 6.4).~~

(4)

~~*Downstream Improvements.* Improvements to eliminate downstream flooding conditions may include, but not be limited to, the construction of dams, dikes, levees and flood walls, culvert enlargements, and channel clearing and modification projects, and shall be designed and constructed in compliance with all applicable local, state and federal regulations.~~

(5)

~~*Detention Basins.*~~

~~a.~~

~~Detention of stormwater runoff may be required on projects in order to eliminate downstream flooding conditions. Storage facilities will not be required in situations where the installation of such a facility would adversely affect the environment (as determined by the city engineer) or where the site discharges directly into the major system.~~

b.

~~In addition to complete construction drawings, design data as required by Subsection 6.7, Required Submittals, Design Criteria, Storm Drainage Systems and Facilities of the governing standard, shall be submitted to the city stormwater superintendent for all projects including detention facilities.~~

~~(6)~~

~~*Other Detention Methods.* The following detention methods may also be utilized to provide temporary detention storage:~~

~~a.~~

~~*Dry Bottom Basins.* Where possible, dry bottom basins shall be designed to serve secondary purposes for recreation, open space or other types of use which will not be adversely affected by occasional or intermittent flooding.~~

~~b.~~

~~*Rooftop Storage.* Detention storage may be met in total or in part by detention on roofs. Details of such designs, which shall be included in the drainage design submittals, shall include the depth and volume of storage, details of outlet devices and down drains, elevations of overflow scuppers, design loadings for the roof structure and emergency overflow provisions. Calculations shall be provided to indicate that the structure has been designed for the additional loadings as a result of stormwater detention. Connection of roof drains to sanitary sewers is prohibited.~~

~~c.~~

~~*Parking Lot Storage.*~~

~~1.~~

~~Paved parking lots may be designed to provide temporary detention storage of stormwater on all or a portion of their surfaces. Outlets will be designed so as to slowly empty the stored waters in such a time as to create the least amount of inconvenience to the public. The design of parking lot storage will restrict ponding to areas which will cause the least amount of inconvenience to the users of the parking areas. In no circumstance will stormwater ponding in public parking areas exceed seven inches in depth.~~

~~2.~~

~~All parking lot detention areas shall have a minimum of two signs posted identifying the detention pond area. The signs shall have a minimum area of 1.5 square feet and contain the following message:~~

~~WARNING~~

~~This area is a stormwater detention pond and is subject to periodic flooding to a depth of seven inches.~~

~~d.~~

~~Other Storage. All or a portion of the detention storage may also be provided in other underground or surface detention areas or facilities.~~

~~(Ord. No. 3832, §§ 1, 2, 4-14-2011)~~

Sec. 53-102. - Performance standards.

(a)

Channel Location. Generally acceptable locations of stormwater runoff channels in the design of a subdivision may include, but not be limited to, the following:

(1)

Centered on lot lines or entirely within the rear yards of a single row of lots or parcels;

(2)

A drainage easement to facilitate maintenance and design flow shall be provided and indicated on the plat. No private structures shall be allowed to be constructed within or across stormwater channels.

(b)

Storm Sewer Outfall. The storm sewer outfall shall be designed so as to provide adequate protection against downstream erosion and scouring.

(c)

Lot Lines. Whenever the plans call for the passage and/or storage of floodwater, surface runoff or stormwater along lot lines, the grading of all such lots shall be prescribed and established for the passage and/or storage of waters. No private structure may be erected in these areas which will obstruct the flow of stormwater. Further, installation of fences, and the planting of shrubbery or trees within the area will not be permitted. Such items existing at the time of adoption of the ordinance from which this chapter is derived will

be grandfathered to remain only until such point in time as the city engineer determines that such items obstruct the flow of stormwater, whereupon the city stormwater superintendent shall notify the property owner by certified mail to perform remedial work as described therein. Changes in the prescribed grades and contours of the floodwater or stormwater runoff channels will not be permitted unless approved in writing by the city engineer. Where more than two lots or parcels are involved in a common stormwater runoff problem, the city will serve as a facilitator to assist the property owners involved to solve existing stormwater problems by making meeting rooms and city representatives available for consultation in the formation of a benefit district. Otherwise, these kinds of problems are treated as civil matters between property owners.

(d)

Interception of Runoff from Private Commercial and Industrial Sites. Stormwater runoff from private commercial and industrial sites shall be intercepted by inlets prior to being discharged into the public stormwater system, if a public stormwater system is within 200 feet of the proposed site. The intent of this requirement is to prevent runoff from private commercial and industrial sites from being discharged directly into public streets.

(e)

Easements. Permanent easements for the [retention](#)/detention and conveyance of stormwater, including easements of access to structures and facilities, shall be dedicated to the city. Easements shall be as provided in subsections 4.1, 5.1 and 6.2, Easements, Design Criteria, Storm Drainage Systems and Facilities.

(f)

Maintenance. Provisions acceptable to the city for perpetual maintenance of [retention](#)/detention/ facilities, [best management practices](#), outlet works, and appurtenances shall be made as [provided in this chapter follows](#).

[Small ditches and similar conveyances planted to turf grass needing no special long-term care shall be in rights-of-way or easement and be the responsibility of abutting property owners for regular mowing in accordance with city ordinance.](#)

[Retention/detention facilities, best management practices, outlet works, and appurtenances serving multiple properties and rights-of-way in residential, mixed-use, industrial, and commercial development shall be the long-term responsibility of property owners the facilities serve. Additionally, a restrictive covenant will be required between the City of Hays and the developer/property owners.](#)

[Retention/detention facilities, best management practices, outlet works, and appurtenances serving individual commercial and industrial properties shall be located on](#)

the same parcel as the commercial and industrial development and are the long-term responsibility of the property owner.

(g)

Drainage Permits. A drainage permit for projects including retention/detention facilities shall be granted by the city stormwater superintendent only after the final stormwater management plan has been approved and all easements have been dedicated, accepted and recorded, and all required maintenance assurances and required bonds have been executed.

(h)

Plans for Grading, Sedimentation and Erosion Control.

(1)

Generally.

a.

Prior to the approval and recording of the final subdivision or land development plan, a plan depicting proposed site grading within the project shall be submitted to the city stormwater superintendent for review and approval.

b.

Stripping of vegetation or earthmoving shall not be permitted nor will building or construction permits be issued prior to approval of this plan by the city stormwater superintendent.

c.

For major subdivision projects consisting of more than one acre, the grading plan shall be accompanied by a detailed sedimentation and erosion control plan.

(2)

Subdivision Grading Plans. The grading plan shall be prepared by a professional engineer licensed in the state. The contents of the plan shall include, but not be limited to, the following information:

a.

Contours of existing grades at intervals not more than two feet. Intervals less than two feet may be required if the slope is less than one percent for 40 percent of the total area or dependent on the character of the topography;

b.

Property lines identified as to existing or proposed lot and block number;

c.

Elevation and location of the nearest bench mark (USGS datum);

d.

Contours of finish grades drawn at sufficient intervals of not more than two feet to depict major subdivision drainage patterns. In addition, finished grade spot elevations shall be shown for all corners of each lot. Such corner elevations shall be general in nature and, upon approval of the city stormwater administrator, may be revised at the time of plot plan submittal;

e.

One hundred-year floodplain limits and elevations;

f.

Easement and right-of-way information (including drainage easements) required for off-site drainage ways;

g.

Existing and proposed utility information.

[h.](#)

(3)

Grading Plans for Nonresidential Individual Lots. Applications for individual building permits shall be accompanied by a specific grading plan for that lot. Such grading plan shall be incorporated into plot plan and shall contain as a minimum, the following information:

a.

Property lines identified as to existing or proposed and lot and block numbers;

b.

The proposed location of structure;

c.

The proposed type of structure (i.e., bi-level, split-level, etc.);

d.

Elevations of the top of the foundation and the proposed grade at principal structure corners and at lot corners;

e.

An approximate location of drainage swales indicated by directional arrows depicting flow patterns. Spot elevations may be utilized in lieu of arrows. Additional information may be required by the city stormwater superintendent to assure protection of adjacent property.

(4)

Minimum Grading Standards. The following minimum criteria for site grading shall apply to all applications for the site grading permit:

a.

Protective Slopes Around Structures.

1.

A downward slope shall be provided from structure foundations to drainage swales.

2.

A minimum gradient of 0.5 percent for concrete paved surfaces; one percent for other impervious surfaces, except in defined swales the minimum gradient shall be 0.5 percent, and in concrete gutters the minimum gradient shall be 0.3 percent.

3.

A maximum gradient shall be 4:1, horizontal to vertical, for a minimum of four feet from foundation walls.

b.

Lawn Areas. Minimum gradient shall be one percent. A gradient of two percent is recommended where practical.

c.

Driveways. Driveways sloping toward buildings shall be graded in such a manner as to provide an intercepting swale draining away from the structure prior to its connection with the building. In specific cases, the use of gradients less than or greater than those specified may be necessary. Variance from these requirements may be allowed where justified and approved by the city engineer.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Secs. 53-103—53-132. - Reserved.

Hays, Kansas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 53 - STORMWATER MANAGEMENT >> ARTICLE V. - DRAINAGE PERMITS AND PROHIBITED ACTS >>

ARTICLE V. - DRAINAGE PERMITS AND PROHIBITED ACTS

Sec. 53-133. - Drainage permits.

Sec. 53-134. - Fees.

Sec. 53-135. - Prohibitions.

Sec. 53-136. - Specific illicit discharges prohibited.

Sec. 53-137. - Illicit discharge exceptions.

Sec. 53-138. - Illicit connections prohibited.

Sec. 53-139. - Protection of watercourses and drainage easements.

Secs. 53-140—53-151. - Reserved.

Sec. 53-133. - Drainage permits.

Upon approval of the final stormwater management plan and acceptance of the applicant's performance, security and maintenance bond, permit fee and maintenance assurance, if any, the city stormwater superintendent shall issue a drainage permit. The permit shall set forth the terms and conditions of the approved stormwater management plan.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-134. - Fees.

Drainage permit applicants shall submit a permit fee of \$25.00 to the city with each application.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-135. - Prohibitions.

(a)

No person shall discharge or release, or cause or permit to be discharged or released, into the municipal stormwater drainage system, any substance which is not composed entirely of uncontaminated stormwater, except as allowed in Section 53-137

(b)

Notwithstanding the provisions of Section 53-137, any discharge or release shall be prohibited by this section if the discharge or release in question has been determined by the city stormwater superintendent to be a source of pollutants or contamination to the municipal stormwater drainage system and has given notice thereof.

(c)

The construction, use, maintenance or continued existence of illicit connections as defined in Section 53-138 is prohibited. This prohibition expressly includes, without limitation, connections made in the past, regardless of whether the connection was permissible under the law or practices applicable or prevailing at the time of the connection.

(d)

No person shall connect a line conveying sewage, domestic sewage or industrial waste to the municipal stormwater drainage system, or allow any such existing connection to continue.

(e)

No person shall intentionally destroy, damage or otherwise interfere with the effectiveness of any BMP implemented pursuant to this chapter.

(f)

No person shall discharge otherwise allowable waters under this Chapter to public property and rights-of-way which causes damage, harm or inconvenience to the public through prolonged saturation, erosion, water pollution or damage to property.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-136. - Specific illicit discharges prohibited.

Except as permitted in Section 53-137, illicit discharges prohibited under the provisions of Section 53-135 include, but are not limited to, the following:

(1)

Motor oil, antifreeze or any other petroleum product or waste;

(2)

Industrial waste;

(3)

Hazardous waste, including household hazardous waste;

(4)

Domestic sewage, septic tank waste, grease trap waste, or grit trap waste;

(5)

Garbage, rubbish or yard waste (including grass trimmings, leaves, weeds and all other vegetation or portions, trimmings or wastes thereof or therefrom);

(6)

Wastewater which contains soap, detergent, degreaser, solvent, surfactant, emulsifier, dispersant or other cleaning substances;

(7)

Wastewater (i) from any commercial facility for the washing of vehicles, such as carwash facilities, or (ii) from any similar facility associated with any new or used vehicle distributorship, rental agency, body shop, repair shop or maintenance facility, or (iii) from any similar facility maintained by any business or institution for the washing, cleaning or maintenance of its own business or commercial vehicles or heavy equipment;

(8)

Wastewater from the cleaning of the portion of vehicles or equipment which contained ready-mixed concrete, mortar, ceramic, asphalt-based material or hydromulch material;

(9)

Wastewater from the washdown or other cleaning of any pavement where any spill, leak or other release of oil, motor fuel, or other petroleum or hazardous substance has occurred;

(10)

Effluent from a cooling tower, condenser, compressor, emissions scrubber or emission filter, or the blowdown from a boiler;

(11)

Runoff, washdown water or waste from any animal pen, kennel, fowl or livestock containment area;

(12)

Swimming pool water which has not been de-chlorinated in accordance with the specifications of the city stormwater superintendent;

(13)

Swimming pool or fountain filter backwash;

(14)

Any substance or material which will damage, block or clog the municipal stormwater drainage system;

(15)

Any release from a petroleum storage tank, or any leachate or runoff from soil contaminated by a petroleum storage tank leakage;

(16)

Pesticides or fertilizers, including runoff from the improper storage, discarding, transportation or application of pesticides or fertilizers;

(17)

Discharge of street sweepings;

(18)

Wastewater from concrete cutting, pavement cutting, pipe cutting and any similar operation where water is used to cool cutting equipment;

(19)

Wastewater from oil and natural gas exploration and production activities;

(20)

Discharge from construction activities oil and natural gas exploration sites without downslope best management practices maintained and in-place;

(21)

Runoff, washdown or wastewater which contains any of the above;

(22)

Nonstormwater discharge from a construction activity site unless specifically authorized by the most current version of KDHE's general construction stormwater permit; or

(23)

Any other water, wastewater or stormwater requiring National Pollutant Discharge Elimination System authorization.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-137. - Illicit discharge exceptions.

The following nonstormwater discharges are deemed acceptable and not a violation of Sections 53-135 or 53-136 above:

(1)

Uncontaminated discharge from water line flushing;

(2)

Uncontaminated discharge or flow from a diverted stream flow or a natural spring;

(3)

Uncontaminated groundwater infiltration as defined under 40 CFR 35.2005(20) to separate storm sewers;

(4)

Discharge of flow from uncontaminated pumped groundwater or rising groundwater;

(5)

Discharge or flow from contaminated groundwater if specifically authorized by KDHE and the city;

(6)

Uncontaminated discharge or flow from potable water sources;

(7)

Uncontaminated discharge or flow from a foundation drain, a crawl space pump, a footing drain or a sump pump;

(8)

Uncontaminated discharge or flow from air-conditioning condensation which is not mixed with water from a cooling tower, emissions scrubber, emissions filter or any other source of any pollutant;

(9)

Infrequent and uncontaminated discharge or flow from lawn watering, landscape irrigation or other irrigation water;

(10)

Discharge from the occasional, noncommercial washing of vehicles upon a residential premises;

(11)

Uncontaminated discharge of flow from riparian habitat or wetland;

(12)

Swimming pool discharges (excluding filter backwash) which have first been de-chlorinated pursuant to specifications of the city stormwater superintendent;

(13)

Discharge or flow from street washing which is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant or other harmful cleaning substance;

(14)

Discharge or flow from emergency fire fighting activities, or which results from actions taken under emergency conditions which are reasonably necessary to mitigate damages to life and property;

(15)

Uncontaminated residential heat pump discharge waters;

(16)

Treated wastewater meeting requirements of a NPDES permit;

(17)

Nonpoint agricultural discharge, excluding discharges from confined animal feeding operations; and

(18)

Other discharges determined by the city stormwater superintendent not to be a significant source of pollutants to waters of the state; provided, however, that if the city stormwater superintendent determines that any discharge or flow of a type identified above is a source of pollutants to the waters of the municipal stormwater drainage system, and gives direct oral or written notice thereof to the person or party responsible for such property or for such discharges or flows, then the exception herein provided shall no longer apply.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-138. - Illicit connections prohibited.

It shall be unlawful for any person to cause or permit to exist on any property which is under such person's ownership or control any illicit connections to the municipal

stormwater drainage system. This includes, but is not limited to, illicit connections made in the past regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection. Illicit connections in violation of this chapter must be disconnected and either eliminated or redirected in a lawful manner to an approved onsite wastewater management system or to the sanitary sewer system, which such work shall be performed in accordance with all permit and code requirements

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-139. - Protection of watercourses and drainage easements.

Every person owning property through which a watercourse or drainage easement passes, and any lessee of such property, shall keep and maintain that part of the watercourse or drainage easement within the property free of trash, debris, excessive vegetation, grass clippings and other yard waste, and other obstacles that would pollute, contaminate or significantly retard the flow of water through the watercourse or drainage easement. In addition, the owner and lessee shall maintain existing privately owned structures within or adjacent to a watercourse or drainage easement so that such structures will not become a hazard to the use, function or physical integrity of the watercourse or drainage easement in the collection and discharge of stormwater.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Secs. 53-140—53-151. - Reserved.

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ARTICLE VI. - ENFORCEMENT

Sec. 53-152. - General.

Sec. 53-153. - Violations; criminal and civil penalties.

Sec. 53-154. - Inspection.

Sec. 53-155. - Remedial work.

Sec. 53-156. - Revocation of permits and stop work orders; actions without prior notice.

Sec. 53-157. - Failure to maintain.

Sec. 53-158. - Offenses.

Sec. 53-159. - Repair, removal and/or abatement by city.

Sec. 53-160. - Appeals.

Sec. 53-161. - Violations deemed a public nuisance.

Sec. 53-162. - Remedies not exclusive.

Secs. 53-163—53-180. - Reserved.

Sec. 53-152. - General.

It shall be the duty of the city stormwater superintendent to bring to the attention of the city attorney any violation or lack of compliance herewith. The city attorney may file the civil action he deems appropriate in the district court of the state to enforce the requirements of this chapter. The city attorney may also cause to be brought a prosecution in the municipal court of the city.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-153. - Violations; criminal and civil penalties.

(a)

Criminal Penalties. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be deemed guilty of a misdemeanor punishable in accordance with Section 1-13 of the Code of Ordinances of the City of Hays, Kansas.

(b)

Civil Penalties. In the event an applicant or other responsible person fails to take the remedial measures set forth in a Notice of Violation described in Section 53-157, the city stormwater superintendent shall assess a penalty against the property, as outlined below, for each day the violation remains unremedied after receipt of the notice of violation:

(1)

For failure to submit a stormwater pollution prevention plan prior to construction, the fine shall be \$500.00 for each day the violation remains unremedied.

(2)

For failure to install stormwater BMPs as indicated on the site map required under the KDHE construction stormwater program, the fine shall be \$750.00 for each day the violation remains unremedied.

(3)

For failure to notify the city stormwater superintendent before commencement of construction, the fine shall be \$500.00 for each day the violation remains unremedied.

(4)

For failure to maintain, repair or replace construction stormwater BMP within 10 days of notification, the fine shall be \$750.00 for each day after the tenth day following notification that the violation remains unremedied.

(5)

For failure to cease illicit discharges, the fine shall be \$500.00 for each day the violation remains unremedied.

(6)

For dumping of material or liquids in the storm sewer system, the fine shall be \$1,000.00 for each dumping occurrence. The person responsible for dumping shall also be liable for the reasonable costs to the city to abate the nuisance caused by the illegal dumping.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-154. - Inspection.

(a)

The city engineer shall be responsible for determining whether a stormwater management plan is in conformance with criteria specified, and whether development is proceeding in accordance with the approved drainage permit. Periodic inspection of the development site shall be made by the city engineer or his authorized representative. Through such periodic inspections the city engineer shall ensure that the stormwater management plan is properly implemented and that the improvements are properly maintained.

(b)

Whenever the city stormwater superintendent has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this chapter, the city stormwater superintendent shall have the right to enter the premises at any reasonable time for the purpose of conducting such inspections and sampling as may be necessary to determine whether any violations exist and to determine the nature and extent of any remedial actions necessary by virtue thereof. In the event the owner or occupant of the premises refuses such entry after a request to enter has been made, the city stormwater superintendent is hereby empowered to seek assistance from a court of competent jurisdiction to permit or compel such entry.

(c)

The city stormwater superintendent shall have the right to set up on any such premises such devices as may be deemed necessary to conduct sampling of any discharges or of the soils or any substances from which such discharges may occur.

(d)

Investigation of any such matter shall in no way relieve any party from liability or responsibility for any violations occurring before, during or after the conduct of any such investigation. Nothing in this section shall limit the authority of the city stormwater superintendent to take any other action or actions, including emergency action or any other enforcement action, while also undertaking any such investigation.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-155. - Remedial work.

If it is determined through inspection that a development is not proceeding in accordance with the approved stormwater management plan and drainage permit, the city stormwater superintendent shall immediately issue written notice to the permittee and the surety of the nature and location of the alleged noncompliance, accompanied by documentary evidence demonstrating noncompliance and specifying what remedial work is necessary to bring the project into compliance. The permittee so notified shall immediately, unless weather conditions or other factors beyond the control of the permittee prevent immediate remedial action, commence the recommended remedial action and shall complete the remedial work within 72 hours or within a reasonable time after receipt of such notice. Upon satisfactory completion of the remedial work, the city stormwater superintendent shall issue a notice of compliance and the development may proceed.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-156. - Revocation of permits and stop work orders; actions without prior notice.

(a)

The city stormwater superintendent, after giving written notice, may revoke a permit issued pursuant to these regulations for any project which is found upon inspection to be in violation of the provisions of these regulations, and for which the permittee has not agreed to undertake remedial work as provided in these regulations. Drainage permits may also be revoked if remedial work is not completed within the time allowed. Upon revocation of a drainage permit, the stormwater administrator shall issue a stop work order. Such stop work order shall be directed to the permittee and he shall immediately notify persons owning the land, the developer, and those persons actually performing the physical work of clearing, grading and developing the land or constructing the project. The stop work order shall direct the parties involved shall cease and desist all or any

portion of the work on the project which is not in compliance, except such remedial work necessary to bring the project into compliance.

(b)

The city stormwater superintendent is authorized to enter upon any premises without prior notice, to issue stop-work orders as may be necessary, and to take such further actions as are necessary to prevent, eliminate or remediate any violations or Illicit Discharges in any of the following circumstances:

(1)

If a violation constitutes an imminent or immediate danger to the environment or to the public health, welfare or safety;

(2)

If a person to whom a Notice of Violation has been issued and has become final and such person has failed to comply with the directed corrective actions within the time provided therefor; or

(3)

If all reasonable attempts to contact a responsible person as to a violation have failed.

(c)

The city may suspend, revoke or modify the permit authorizing a land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated upon such conditions as the city may deem necessary to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

(d)

Upon suspension or revocation of a drainage permit, the city stormwater superintendent shall issue a stop work order. Such stop work order shall be directed to the permittee and he/she shall immediately notify persons owning the land, the developer, and those persons or firms actually performing the physical work of clearing, grading and developing the land or constructing the project. The stop work order shall direct the parties involved to cease and desist all or any portion of the work on the project which is not in compliance, except such remedial work necessary to bring the project into compliance.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-157. - Failure to maintain.

(a)

Notice of Violation; Time Limit to Abate; Hearing Request. Following a determination by the city engineer that the owner, occupant or agent in charge of any lot or parcel of land on which a drainage control facility exists or abuts has failed to properly maintain such facility as previously set forth or has failed to meet any requirement of this chapter of any approved stormwater pollution prevention plan or has failed to comply with any order issued by the city stormwater superintendent as authorized under this chapter, then the city stormwater superintendent shall notify the owner, occupant or agent in charge of the violation in writing. If the owner, occupant or agent in charge fails, neglects or refuses to comply with the requirements specified in the written notification within ten days, the city stormwater superintendent shall issue a notice of violation requiring the owner, or agent of the owner of the premises to repair, remove and/or abate from the premises the thing therein described as a defect and/or nuisance and performing the necessary remedial work within a time, not exceeding ten days, to be specified in the notice of violation. The notice of violation shall contain the name and address of the alleged violator, the date and location of the violation, a description of the violation, a description of the remedial measures necessary to restore compliance with this chapter and a time schedule for the completion of each such remedial measure and a description of further enforcement actions which may be taken by the city. The notice of violation shall state that before the expiration of the waiting period, the recipient thereof may request a hearing before the governing body or its designated representative. The request for hearing before the governing body or its designated representative shall in no way relieve any party from liability or responsibility for any violations occurring before, during or after the conduct of any such hearing. Nothing in this section shall limit the authority of the city stormwater superintendent to take any other action, including emergency action or any other enforcement action while any such proceedings are pending.

(b)

Serving Notice upon Owner. The notice of violation shall be served by personal service, by delivering a copy thereof to the owner, occupant or agent of such property, or if the same is unoccupied and the owner is a nonresident, then by mailing a notice by restricted mail to the last known address of the owner.

(c)

Failure to Comply; City to Cause Remedial Work to be Done. If the owner or agent fails to comply with the requirement of the notice of violation for a period longer than that named in the notice, then the city shall proceed to cause the necessary remedial work to be performed and thereby have the things described in the notice repaired, removed and/or abated from the lot or parcel of ground.

(d)

Costs to be Paid by Owner; Assessment to Tax Roll. Whenever the city undertakes the correction or abatement of any violation, or the remediation of any damage caused by any violation, either under emergency circumstances, or due to a person's failure to comply with any lawful notices or orders issued by the city stormwater superintendent or the governing body of the city, the person or persons responsible for such violation shall be liable to the city for the costs of such corrective, abatement or remedial actions. The city shall give notice to the owner, occupant or agent by restricted mail of the total cost of such repair, abatement or removal incurred by the city. Such notice also shall state that payment of such cost is due and payable within 30 days following receipt of such notice. If the cost of such repair, removal, and/or abatement is not paid within the 30-day period, the cost shall be collected in the manner provided by this code or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located. If the cost is to be assessed, the city clerk, at the time of certifying other city taxes to the county clerk, shall certify the aforesaid costs, and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground, and it shall be collected by the county treasurer and paid to the city as other city taxes are collected and paid.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-158. - Offenses.

Upon the failure, neglect or refusal of any owner to comply with the notice of violation provided for in Section 53-157, the city stormwater superintendent shall notify the city attorney who may cause a complaint to be filed against such owner for violation of the provisions of this chapter in the municipal court. No such owner shall be exempted from prosecution for violation of such provisions by reason of lawfully transferring his ownership, tenancy or interest in the premises upon which the nuisance exists after the giving of notice as hereinbefore provided.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-159. - Repair, removal and/or abatement by city.

Upon the failure, neglect or refusal of any owner to comply with notice of violation provided for in Section 53-157, the city stormwater superintendent shall perform all necessary repairs, removal and/or abatement. For the purpose of so doing, the city stormwater superintendent may enter the premises upon which such nuisance exists, with or without the consent of the owner thereof, without being guilty of trespass.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-160. - Appeals.

Any applicant or permittee aggrieved by a decision of the city engineer or the city stormwater superintendent in the enforcement of this chapter shall have the right to appeal any order, requirement, decision or determination in accordance with the following procedures:

(1)

A hearing before the Hays Area Board of Zoning Appeals may be requested in writing by the applicant or permittee within ten days of a final order, requirement, decision or determination of the city stormwater superintendent. The Hays Area Board of Zoning Appeals shall conduct the hearing within 45 days of receipt of the request from the aggrieved and shall consider any information offered by the aggrieved person bearing on the dispute and shall within ten days render its final decision to the city stormwater superintendent with an appropriate course of action: either reversal, modification, or confirmation. The city stormwater superintendent, who shall be present at the hearing, shall immediately act on the recommendation in a manner consistent with his responsibilities under this chapter.

(2)

Any applicant or permittee aggrieved by any final decision of the city stormwater superintendent following review by the Hays Area Board of Zoning Appeals in the manner set out in subsection (1) of this section, may seek review by a court of competent jurisdiction in the manner provided by the laws of the state.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-161. - Violations deemed a public nuisance.

Notwithstanding the other enforcement processes, procedures and penalties provided in this chapter, any condition caused or permitted to exist in violation of any of the provisions of this chapter is hereby declared to be a threat to the public health, welfare and safety, and is hereby declared and deemed to be a public nuisance. Instead of or in addition to any other remedies or procedures hereunder, the city may commence a civil action to abate, enjoin or otherwise compel the cessation of any such public nuisance.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Sec. 53-162. - Remedies not exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law.

(Ord. No. 3832, §§ 1, 2, 4-14-2011)

Secs. 53-163—53-180. - Reserved.

Hays, Kansas, Code of Ordinances >> PART II - CODE OF ORDINANCES >> Chapter 53 - STORMWATER MANAGEMENT >> ARTICLE VII. - STORMWATER UTILITY >>

ARTICLE VII. - STORMWATER UTILITY ^[70]

Sec. 53-181. - Definitions.

Sec. 53-182. - Creation of a stormwater utility.

Sec. 53-183. - Findings and determinations.

Sec. 53-184. - Administration.

Sec. 53-185. - Operating budget.

Sec. 53-186. - Stormwater management service fee.

Sec. 53-187. - Appeal procedure.

Sec. 53-188. - Stormwater management service fee collection.

Sec. 53-189. - Stormwater utility fund.

Sec. 53-181. - Definitions.

In addition to the words, terms and phrases elsewhere defined in this article, the following words, terms and phrases, as used in this article, shall have the following meanings:

Bonds means revenue or general obligation bonds or notes heretofore or hereafter issued to finance the costs of improvements.

Building permit means a permit issued by the building official who permits construction on a structure.

City means the City of Hays, Kansas.

City commission means the governing body of the city.

Costs of capital improvement means costs incurred in providing capital improvements to the stormwater management system or any portion thereof including, without limitation,

alteration, enlargement, extension, improvement, construction, reconstruction, and development of the stormwater management system; professional services and studies connected thereto; principal and interest on bonds heretofore or hereafter issued, including payment of delinquencies of principal and interest due on bonds that are otherwise payable from special assessments; studies related to the operation of the system; costs of the stormwater management service fee study, performed to establish stormwater management service fees for the stormwater utility and to determine other start up costs of the stormwater utility; costs related to the National Pollutant Discharge Elimination System (NPDES) permit study, application, negotiation and implementation, as mandated by federal and state laws and regulations; acquisition of real and personal property by purchase, lease, donation, condemnation or otherwise, for the stormwater management system or for its protection; and costs necessary for the operation of the system or the utility.

Debt service means an amount equal to the sum of (i) all interest payable on bonds during a fiscal year, and (ii) any principal installments payable on the bonds during such fiscal year.

Developed property means real property, other than undisturbed property; provided that, property devoted to agricultural use, upon which no impervious area is located, shall not constitute developed property for purposes of this article.

Director means the person appointed by the city manager to be the director of the department that the stormwater division is located within or that director's designee.

Dwelling unit means a room or group of rooms located within a physical structure and forming a single habitable unit, providing permanent, complete and independent facilities for living, sleeping, cooking, dining, and sanitation, for use as a residence by one family.

Dry-bottom basin means a constructed facility designed to detain stormwater and to drain its entire contents after each rainfall event.

Equivalent residential unit (ERU) means a unit of measure, established by the city commission, that is equal to the average impervious area per dwelling unit, as calculated by dividing the total estimated impervious area of all residential developed property by the total dwelling units of said property located thereon within the city's limits.

Equivalent residential unit rate or *ERU rate* means a stormwater management service fee, established by the city commission, charged for each ERU.

Exempt property means public right-of-way, public streets, public alleys and public sidewalks and/or easements upon which the stormwater management system is constructed and/or located, or as defined by the director.

Fiscal year means a 12-month period commencing on the first day of January of any year.

Impervious area means the total number of square feet of hard surface area on a given property that either prevents or retards the entry of water into the soil matrix, or causes water to run off the surface in greater quantities or at an increased rate of flow, than it would enter under natural conditions as undisturbed property. "Impervious area" includes but is not limited to, roofs, roof extensions, driveways, pavement and athletic courts.

Nonresidential means developed property which does not exclusively contain residential property, and includes governmental, not-for-profit, commercial, industrial, and other property. A property containing both residential and nonresidential will be considered nonresidential.

Operating budget means the annual stormwater utility operating budget adopted by the city for the succeeding fiscal year.

Operations and maintenance means, without limitation, the current expenses, paid or secured, for operation, maintenance and repair and minor replacement of the system, as calculated in accordance with generally accepted accounting practices, and includes, without limiting the generality of the foregoing, insurance premiums, administrative expenses including professional services, equipment costs, labor costs, and the cost of materials and supplies used for current operations.

Residential means developed property which includes one or more dwelling units and is used exclusively for residential purposes.

Revenues means all rates, fees, assessments, rentals, charges or other income received by the stormwater utility in connection with the management and operation of the stormwater management system, including amounts received from the investment or deposit of monies in any fund or account, as calculated in accordance with generally accepted accounting practices.

Stormwater management user fee means a fee authorized by this article, as set forth in a resolution or an ordinance adopted or amended by the city commission, established to pay operation and maintenance, costs of capital improvements, debt service associated with the stormwater management system and other costs included in the operating budget.

Stormwater management system, sewer system or system means storm sewers which exist at the time the ordinance codified in this article is adopted or that are hereafter established, and all appurtenances necessary in maintaining and operating the same, including, but not limited to, pumping stations; enclosed storm sewers; outfall sewers; surface drains; street, curb and alley improvements associated with storm or surface water improvements; natural and manmade wetlands; channels; ditches; rivers; streams; wet and dry-bottom basins; and other flood control facilities and works for the collection, transportation, conveyance, pumping, treatment, controlling, managing, and disposing storm or surface water or pollutants originating from or carried by storm or surface water.

Stormwater utility or *utility* means the utility created by this article to operate, maintain and improve the stormwater management system and for all other purposes, as set forth in this article.

Undisturbed property means real property that has not been altered from its natural condition in a manner that disturbed or altered the topography or soils on the property to the degree that the entry of water into the soil matrix is prevented or retarded.

(Ord. No. 3829, § 1, 4-14-2011)

Sec. 53-182. - Creation of a stormwater utility.

Pursuant to the provisions of K.S.A. 12-3101 et seq., the city's general home rule authority, nuisance authority, police powers and all other authority, the Hays City Commission does establish a stormwater utility and a stormwater management system and declares its intention to operate, construct, maintain, repair and replace the public stormwater management system and operate the stormwater utility.

(Ord. No. 3829, § 2, 4-14-2011)

Sec. 53-183. - Findings and determinations.

The city commission finds, determines, and declares that the elements of the stormwater management system providing for the collection, conveyance, detention, retention, treatment and release of stormwater benefit and provide services to real property within the incorporated city limits.

(1)

The benefits of the stormwater management system include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, retention, treatment and release of stormwater; the reduction of hazards to property and life resulting from stormwater runoff; improvement in general health and welfare through reduction of undesirable stormwater conditions; improvement of water quality in the storm and surface water system and its receiving waters; and appropriate balancing between development and preservation of the natural environment.

(2)

The stormwater management system will also initiate innovative and proactive approaches to stormwater management within the city to address problems in areas of the city that currently are prone to flooding; protect against replication of these types of problems and the creation of similar problems in newly developing areas of the city; and assist in meeting the mandates of the NPDES as created under the Federal Clean Water Act and associated state and federal laws and their supporting regulations.

(3)

Both standard and innovative stormwater management are necessary in the interest of the public health, safety and general welfare of the residents, businesses and visitors of the city.

(4)

Implementation of the stormwater management system will require the expenditure of significant amounts of public money.

(5)

All developed property in the city will benefit from the stormwater management system.

(6)

The city desires to fairly distribute costs of the stormwater management system implementation among all developed property which generates the need therefore.

(7)

The city has determined that the establishment of a stormwater utility is an appropriate method of funding certain portions of the costs of implementing the stormwater management system.

(8)

The city commissioned a study that was prepared by Camp Dresser & Mckee Inc., to assist the city in developing the stormwater utility and to recommend an ERU and an ERU rate.

(9)

The governing body has evaluated the study and recommendations and hereby determines that the fees set forth herein are reasonable and necessary and should be commenced on July 1, 2011.

(10)

The stormwater utility user fee imposed by this ordinance, is calculated by a formula that reasonably relates classes of property within the city to their anticipated use of or benefit from the stormwater management system, and such fee is neither a tax nor a special assessment, but a charge for services rendered or available.

(11)

The city has researched collection options and hereby determines that in order to promote efficiency, eliminate duplication of services, and utilize the most economically feasible method of fee collection, the stormwater utility user fee should be included as a separate item on the City of Hays monthly utility bill.

(Ord. No. 3829, § 3, 4-14-2011)

Sec. 53-184. - Administration.

The stormwater utility, under the supervision of the director, shall have the power to:

(1)

Administer the acquisition, design, construction, maintenance, operation, extension and replacement of the stormwater management system, including any real and personal property that is, will become a part of, or will protect the system;

(2)

Administer and enforce this article and all appurtenant regulations, guidelines and procedures relating to the design, construction, maintenance, operation and alteration of the stormwater management system, including but not limited to, the flow rate, volume, quality and/or velocity of the stormwater conveyed thereby;

(3)

Advise the city manager on matters relating to the stormwater management system;

(4)

Review plans concerning the creation, design, construction, extension and replacement of the stormwater management system and make recommendations to the city manager;

(5)

Make recommendations to the city manager concerning the adoption of ordinances, resolutions, guidelines and regulations in furtherance of this article and/or to protect and maintain water quality within the stormwater management system in compliance with water quality standards established by state, county, regional and/or federal agencies, as now adopted or hereafter adopted or amended;

(6)

Analyze the cost of services and benefits provided by the stormwater management system and the structure of fees, service charges, fines and other revenues of the stormwater utility at least once each year;

(7)

Make recommendations to the city manager concerning the cost of service and benefits provided by the stormwater management system and the structure of fees, service charges, fines and other revenues of the stormwater utility; and

(8)

Administer programs which may hereafter be established pursuant to this article or pursuant to ordinances, resolutions, regulations or guidelines hereafter adopted by the city commission which would provide for credits and/or incentives that modify stormwater management service fees imposed against properties.

(Ord. No. 3829, § 4, 4-14-2011)

Sec. 53-185. - Operating budget.

The city shall, as part of its annual budget process, adopt an operating budget for the stormwater utility. The operating budget shall conform with state law, city policy and generally accepted accounting practices.

(Ord. No. 3829, § 5, 4-14-2011)

Sec. 53-186. - Stormwater management service fee.

(a)

Service Fee Established. Subject to the provisions of this article, there is imposed on each and every residential developed property and nonresidential developed property, other than property that is not serviced by the stormwater management system or exempt property, a stormwater management service fee. This stormwater management service fee shall be determined and set by the provisions of this Article in accordance with the ERU and the ERU rate. The fee shall be established by ordinance of the city commission and may be amended from time to time by the city commission, by resolution.

(b)

ERU. The ERU is hereby established for the purposes of calculating the stormwater utility user fee. The ERU is hereby established to be 3,369 square feet of impervious area.

(c)

ERU Rate. The initial ERU rate to be used to calculate the stormwater utility user fee is \$3.62 per ERU per month and may hereafter be reviewed every year, with recommended revisions set by resolution of the city commission.

(d)

Stormwater Management Service Fee for Residential Developed Property. The stormwater management service fee for residential property shall be the ERU rate multiplied by the number of individual dwelling units existing on the property. For a newly constructed dwelling unit, the charge for the stormwater management service fee attributable to that dwelling Unit shall commence upon the issuance of the temporary certificate of occupancy, certificate of occupancy, certificate of compliance, or issuance of the first billing of the water utility, whichever is issued first for that dwelling unit. The minimum stormwater management service fee for any residential developed property shall be equal to one ERU rate.

(e)

Stormwater Management Service Fee for Nonresidential Developed Property. The stormwater management service fee for nonresidential developed property shall be the ERU rate multiplied by a numerical factor calculated by dividing the total impervious area of the property by the number of square feet in one ERU. In performing this calculation, the numerical factor shall be rounded to the nearest whole number. The minimum stormwater management fee for any nonresidential developed property shall be equal to one ERU. For a newly developed nonresidential developed property, the charge for the stormwater management service fee attributable to that development shall commence upon the issuance of the temporary certificate of occupancy, certificate of occupancy, certificate of compliance, or issuance of the first billing of the water utility, whichever is issued first. In the event of additional development to property that is already developed property, the charge for the stormwater management service fee attributable to that additional development shall commence upon the issuance of the temporary certificate of occupancy, certificate of occupancy, certificate of compliance, or issuance of the first billing of the water utility, whichever is issued first.

(f)

Dwelling Unit and Impervious Surface Calculation. The director shall initially, and from time to time, determine the number of dwelling units located on residential developed property in order to establish the stormwater management service fee as provided for hereinabove. Nonresidential developed property in the city shall have its square footage of impervious area calculated in order to establish the stormwater management service fee as provided for herein. The director shall make the initial calculation with respect to existing nonresidential developed property and may from time to time change this calculation from the information and data deemed pertinent by the director. With respect to property proposed to be nonresidential developed property, the applicant for development approval shall submit square footage impervious area calculations, in accordance with the submission requirements, as set forth in Section 11-479 of the Code of Ordinances of the City of Hays, Kansas.

(Ord. No. 3829, § 6, 4-14-2011)

Sec. 53-187. - Appeal procedure.

Owners of nonresidential developed property, for which a stormwater management service fee has been imposed, who disagree with the calculation of the stormwater management service fee may appeal the calculation or finding to the director. The owner/appellant must file a written notice of appeal with the director on or before 12:00 noon on December 31 of the current fiscal year being appealed. The appealing party, by the date set in writing by the director which shall not be less than seven days after receipt of written notice of appeal, shall provide information concerning the basis of the appeal, including a land survey prepared by a registered surveyor showing dwelling units, total property area, type of surface material and impervious area, as appropriate, and any other information that the director shall request in writing to the appellant. The director may waive the submission of a land survey, if the director determines that the survey is not necessary to make a determination on the appeal. Based on information provided, the director shall make a determination as to whether the stormwater management service fee and/or the credit should be adjusted for the subject property, if applicable. The director shall notify the appellant in writing of the decision.

The owner/appellant shall have the right to appeal the decision of the director to the city manager. Such appeal shall be made within ten days of the date of the director's written decision and shall be perfected in the same manner as the original appeal. The city manager shall consider the appeal and issue a written decision on the appeal within 30 days of receipt of the perfected appeal.

In all instances, the burden of proof shall be on the appellant to demonstrate, by clear and convincing evidence, that the determination of the director, from which the appeal is being taken, is erroneous.

The filing of a notice of appeal shall not stay the imposition, calculation or duty to pay the fee. The appellant shall pay the stormwater management service fee, as stated in the billing, to the city clerk. If either the director or the city manager determines that the appellant should pay a fee amount less than the amount appealed from, or receive a credit, if applicable, the city shall issue a check to the appellant in the appropriate amount within ten business days of the date of the applicable written decision, which in no event shall be more than the amount of the fee paid by the appellant as of the date the check is issued. If any credit due is larger than the amount paid and additional fees are due for the same fiscal year, the city will issue any remaining credit within ten business days after the remaining fees have been paid in full.

(Ord. No. 3829, § 7, 4-14-2011)

Sec. 53-188. - Stormwater management service fee collection.

The stormwater management service fee shall be billed and collected in the same manner as other city utility fees. The stormwater management service fee shall be shown as a separate item on the City of Hays utility bill. The payment of stormwater management

service fee bills for any given property shall be the responsibility of the owner of the property.

To the extent permitted by applicable law, stormwater management fees shall be subject to interest and penalties for late payment, shall constitute a lien on the applicable property, and shall be collected in a manner as like assessed fees for nuisance abatements, regardless of whether the stormwater management service fees were incurred when a property owner was in possession of the property or a nonowner was in possession of the property.

(Ord. No. 3829, § 8, 4-14-2011)

Sec. 53-189. - Stormwater utility fund.

Stormwater management service fees collected by the city shall be paid into a fund that is hereby created and shall be known as the "stormwater utility fund." this fund shall be used for the purpose of paying costs of capital improvements, administration of the stormwater utility, operation and maintenance, and debt service of the stormwater management system, and for carrying out all other lawful purposes of the utility.

(Ord. No. 3829, § 9, 4-14-2011)

FOOTNOTE(S):

⁽⁷⁰⁾ **Editor's note**— Sections 1—9 of Ord. No. 3829, adopted April 14, 2011, did not specify manner of inclusion; hence, codification as art. VII, §§ 53-181—53-189 was at the direction of the city. (Back)

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 9

MEETING DATE: 2-26-15

TOPIC:

13th Street Reconstruction, Main to Milner – Award of Bid

ACTION REQUESTED:

Authorize the City Manager to execute the contract with APAC, Kansas, Inc for Alternate A and Add Alternate 2 in the amount of \$2,067,710.05. Plus, authorize the following transfers to Capital Projects Fund: \$93,734.68 from Water Sewer Capital, \$449,219.54 from Capital Projects – Flood Control (Stormwater Reserve), and \$119,755.82 from Commission Capital Reserve.

NARRATIVE:

In May, staff brought forward concepts and alternatives for the reconstruction of 13th Street from Main to Milner. Subsequently the City Commission approved a contract with Professional Engineering Consultants (PEC) of Wichita for design engineering services. Bids were opened on January 28, 2015 with APAC, Kansas, Inc. being the low bidder. There were several bid option, and staff recommends awarding a bid to APAC for Alternate A in the amount of \$2,057,145.65 and Add Alternate 2, Brick Crosswalks for an additional cost of \$10,564.40 resulting in a total construction cost of \$2,067,710.05. Funding would come from various sources to included Capital Projects, City Commission Reserve, Water/Sewer Capital, and the Stormwater Fund.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

ADMINISTRATION RECOMMENDATION:

Staff recommends the City Commission award Alternate A and Add Alternate 2, Brick Accented Crosswalks.

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Staff memo
Excerpts from May 8, 2014 City Commission Meeting
Maps
Bid Tabulation
Low Bid Proposal as Submitted

Commission Work Session Agenda

Memo

From: John Braun, Assistant Director of Public Works

Work Session: February 17, 2015

Subject: 13th Street, Main to Milner – Award of Bid

Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

In May, staff brought forward concepts and alternatives for the reconstruction of 13th Street from Main to Milner. Subsequently the City Commission approved a contract with Professional Engineering Consultants (PEC) of Wichita for design engineering services. Bids were opened on January 28, 2015 with APAC, Kansas, Inc. being the low bidder. There were several bid options, and staff recommends awarding a bid to APAC for Alternate A in the amount of \$2,057,145.65 and Add Alternates 2, Brick Crosswalks for an additional cost of \$10,564.40 resulting in a total construction cost of \$2,067,710.05. Funding would come from various sources to include Capital Projects, City Commission Reserve, Water/Sewer Capital, and the Stormwater Fund.

Background

Since the fall of 2013, staff has been developing a project to reconstruct 13th Street from Main to Milner. At the September 26, 2013 City Commission meeting, \$1,500,000 was transferred from Financial Policy Projects to a Capital Projects fund to finance the cost of engineering and construction to improve 13th Street from Main to Milner. Subsequently, Driggs Design Group (DDG) was hired to develop concept plans and cost estimates.

During the Concept Planning stage, DDG and City Staff assessed the site, collected data, developed concepts, calculated estimates of cost, contacted stakeholders along the project, solicited comments, mailed a survey, met with the DHDC, and held a public information meeting.

At the May 1, 2014 work session, and again at the May 8, 2014 Regular Meeting of the City Commission, DDG and City Staff presented various alternatives to choose from. Those options included:

- Base Option –
 - Reconstructing just the street and intersections \$1,498,208
- Storm Sewer Improvements \$302,198
- Water Service Upgrades \$39,688
- A – Additional Curb, Sidewalk & Parking \$204,000
- B – Brick Street from Main to Oak \$150,480

- C – Brick Crosswalks at all intersections \$13,500
- ~~D – Landscape Planters (low/no water vegetation) \$21,600~~
- E – Monument Sign \$10,200
- ~~F – Upgrade Traffic Signal at 13th and Main \$168,000~~
- G – Decorative Street Lights \$142,200

The City Commission directed staff to hire an engineering firm to proceed with design for the reconstruction of 13th Street from Main to Milner to include the Base Option, Storm Sewer Improvements, Water Service Upgrades, and Alternates A, B, C, E, & G. The alternates would be designed and bid as add-ons to be considered for construction during after construction bids are received. **See attached Excerpts from the Minutes of the May 8, 2014 Meeting.**

In June 2014, PEC was hired to complete design and solicit bids for construction.

Discussion

Bids were opened on January 28, 2015 from two bidders: APAC-Kansas, Inc. and Smoky Hill Construction of Salina. **A summary of the bids is listed below and a detailed bid tabulation is attached.**

Bid #	Description	Engineer's Est	Contractor 1 SMOKY HILL	Contractor 2 APAC
Base	Driving Lanes and Intersections with limited Stormsewer Full Width – including sidewalk, water services and full stormsewer	\$ 1,829,472.50	\$ 1,550,400.70	\$ 1,408,204.50
Alternate A		\$ 2,482,225.00	\$ 2,259,018.75	\$ 2,057,145.65
Add Alt 1	Brick Pavers	\$ 174,205.00	\$ 126,806.40	\$ 126,555.50
Add Alt 2	Brick Crosswalk	\$ 20,580.00	\$ 80,605.00	\$ 10,564.40
Add Alt 3	Lighting	\$ 220,000.00	\$ 229,300.00	\$ 179,000.00
Add Alt 4	Monument Base	\$ 5,000.00	\$ 2,000.00	\$ 1,500.00

The Base Bid includes removing and replacing the driving lanes, reconstructing the intersections (curb and gutter, sidewalk, bulbouts, and ADA ramps in the immediate vicinity of the intersection), replacing stormsewer inlets, pipe and structures at the intersections only, and minor waterline adjustments.

Alternate A includes everything in the Base Bid plus removal and replacement of the parking lanes, curb and gutter, driveways, and sidewalk between the intersections, additional stormsewer pipe between the intersections, and all new water service connections.

Add Alternate 1 includes installing brick pavers between Main and Oak instead of 8” concrete pavement.

Add Alternate 2 includes installing brick lined crosswalks at all intersections

Add Alternate 3 includes the installation of new street lighting with decorative lighting like on 8th Street from Main to Oak, and new standard aluminum pole street lighting between Oak and Milner.

Add Alternate 4 includes installing a monument sign base (foundation only) at the NW corner of 13th and Oak to facilitate a future limestone monument sign like those already at 8th and Oak, 8th and Fort, and 17th and Main.

The bid proposal from the low bidder (APAC) identifies an estimated start date of March 23, 2015 with the following working day allowance:

- Base Alternate – 150 calendar days
- Alternate A – 220 calendar days
- Add Alternate 1 – 50 additional calendar days
- Add Alternate 2 – 5 additional calendar days
- Add Alternate 3 – 75 additional calendar days
- Add Alternate 4 – 2 additional calendar days

The project would be inspected by in-house city staff.

The City’s engineer, PEC, has reviewed the bids and finds the low bid from APAC to be valid and recommends awarding a contract to APAC. The commission is asked to consider between the base option and Alternate A, plus adding any Add Alternates that warrant funding.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

In 2013, \$1,500,000 was transferred from Financial Policy Projects to Capital Projects to help fund this project. In addition, \$302,198 was identified in the CIP from Stormwater Reserve (Capital Projects – Flood Control), and Water/Sewer Capital Funding is available for water improvements. Design Engineering costs of \$95,000 have already been spent out of the Capital Projects fund; therefore the funding options detailed on the next page include the low bid prices plus the \$95,000 for Design Engineering.

		Low Bid + Engineering	Water	Stormwater	Capital Projects	CC Reserve
Base Option	Driving Lanes and Intersections with limited Stormsewer	\$1,503,204.50	\$4,405.49	\$247,496.90	\$1,251,302.11	
Alternate A	Full Width – including sidewalk, water services and full stormsewer	\$2,152,145.65	\$93,734.68	\$449,219.54	\$1,500,000.00	\$109,191.42
Add Alt 1	Brick Pavers	\$126,555.50				\$126,555.50
Add Alt 2	Brick Crosswalk	\$10,564.40				\$10,564.40
Add Alt 3	Lighting	\$179,000.00				\$179,000.00
Add Alt 4	Monument Base	\$1,500.00				\$1,500.00
	Sum of Alternates Max Total (Alt A plus all Add- ons)	\$317,619.90				\$317,619.90
		\$2,469,765.55	\$93,734.68	\$449,219.54	\$1,609,191.42	\$426,811.32

If the Base Alternate is chosen, the funding breakout would be:

- Capital Projects Fund - \$1,251,302.11
- Water/Sewer Capital - \$4,405.49
- Stormwater Reserve (Capital Projects – Flood Control) - \$247,496.90

Under the Base Alternate, adequate funding is already in place from all three funding sources.

If Alternate A is chosen, the funding breakout would be:

- Capital Projects Fund - \$1,500,000.00
- Water/Sewer Capital - \$93,734.68
- Stormwater Reserve (Capital Projects – Flood Control)- \$449,219.54
- additional funding City Commission Reserve - \$109,191.42

Selecting any of the Add Alternates would require additional funding from the City Commission Reserve Fund.

Staff's recommendation is to award Alternate A and Add Alternate 2. The breakout of costs using staff's recommendation is as follows:

		Low Bid + Engineering	Water	Stormwater	Capital Projects	CC Reserve
Alternate A	Full Width	\$2,152,145.65	\$93,734.68	\$449,219.54	\$1,500,000.00	\$109,191.42
Add Alt 2	Brick Crosswalk	\$10,564.40				\$10,564.40
Total (Alt A plus 1 Add-Alt 2)		\$2,162,710.05	\$93,734.68	\$449,219.54	\$1,500,000.00	\$119,755.82

Options

The City Commission has the following options:

- Award only the Base Bid to the low bidder
- Award Alternate A and authorize additional funding as required
- Award any of the four Add Alternates and approve funding for each.
- Reject all bids
- Direct Staff otherwise

Recommendation

Staff recommends the City Commission award Alternate A and Add Alternate 2, Brick Accented Crosswalks.

Action Requested

Authorize the City Manager to execute the contract with APAC, Kansas, Inc for Alternate A and Add Alternate 2 in the amount of \$2,067,710.05. Plus, authorize the following transfers to Capital Projects Fund: \$93,734.68 from Water Sewer Capital, \$449,219.54 from Capital Projects – Flood Control (Stormwater Reserve), and \$119,755.82 from Commission Capital Reserve.

Supporting Documentation

Excerpts from May 8, 2014 City Commission Meeting
 Maps
 Bid Tabulation
 Low Bid Proposal as submitted

City Manager Toby Dougherty stated he has discussed the process of handling funds collected for the project with Finance Director Kim Rupp and we have no problem holding and tracking the segregation of the funds brought in, but if the intent of the person making the donation is to get a letter for a tax deductible donation we wouldn't provide this for anything less than \$100.00.

Commissioner Mellick asked about a time limit for the fund raising.

Derek Hadley stated a minimum of 2 years and a maximum of 5 years is usually sufficient.

Eber Phelps moved, Shaun Musil seconded, to approve the general concept of expanding/improving the current skate park at Aubel-Bickle Park and allowing the Western Kansas Skate Park Committee to solicit donations towards expansion/improvements to the skate park with the stipulation that they raise the money for the first phase within two years

Commissioner Mellick wondered if Commissioner Phelps would want to put an end date of five years so it is not open ended.

Eber Phelps amended his motion to include that the entire project be completed within a two to five year period; Shaun Musil agreed to amend his second.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

6. 13TH STREET (MAIN TO MILNER): The 2012 Comprehensive Plan update identified 13th Street from Main Street to Milner as an entry corridor to downtown that needs improvement. \$1.5 million has been set aside in a capital project fund for the reconstruction of these four blocks of 13th Street. Driggs Design Group has developed concept plans and cost estimates; stakeholders along the project were contacted; a public information meeting was held; and a presentation made to the Downtown Hays Development Corporation (DHDC) Board. The City

Commission is being asked to consider staff's recommendation for additional funds and authorize solicitation of engineering design services.

City Manager Toby Dougherty clarified that we don't need a final decision on amenities for this project tonight, just the approval to go forward with the concept.

Buck Driggs with Driggs Design Group presented the options along with details of his assessment, the results of the survey, and answered questions from the Commissioners. He stated the pavement is reaching the end of its life expectancy and is in poor condition.

At the September 26, 2013 City Commission meeting, \$1,500,000 was transferred from Financial Policy Projects to a Capital Projects fund to pay the cost of engineering and construction of this project. The most economical cost estimate (Base Option) has a cost, including engineering, of \$1,498,208. The preliminary cost estimate for Storm Sewer improvements is \$302,198. This would need to be funded from the Stormwater Management Fund. The preliminary cost estimate to upgrade Water Services is \$39,688. This would need to be funded from Water and Sewer Capital Reserve Fund.

Other amenities or Add Alternates being presented, but currently unfunded include:

- A – Additional Curb, Sidewalk & Parking \$204,000
- B – Brick Street from Main to Oak \$150,480
- C – Brick Crosswalks at all intersections \$13,500
- D – Landscape Planters (low/no water vegetation) \$21,600
- E – Monument Sign \$10,200
- F – Upgrade Traffic Signal at 13th and Main \$168,000
- G – Decorative Street Lights \$142,200

The above costs are only preliminary estimates; more specific amounts would be developed during the design phase.

Kent Steward moved, Shaun Musil seconded, to authorize staff to solicit an engineering firm to proceed with design for the reconstruction of 13th Street

from Main to Milner to include the Base Option, Storm Sewer Improvements, Water Service Upgrades, and Alternate A, B, C, E, and G.

Commissioner Phelps clarified this is conceptual and when we see more accurate cost estimates we will decide at that time to include the add ons.

Chairperson Schwaller was concerned with the engineering costs with adding alternates that we may or may not pursue. He also stated he would like to wait and implement a cohesive look for downtown rather than focus on four blocks of 13th Street. The price tag for engineering a design for just the lighting is an estimated \$14,000. He also wanted to clarify that the project would be paid for in cash, and taxes would not increase.

Vote: Ayes: Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

No: Henry Schwaller IV

7. 2014 WATERLINE IMPROVEMENTS (HICKORY AND ASH) – AWARD OF

BID: Bids were opened on April 16, 2014 for the replacement of city water mains on Hickory and Ash from 27th to 29th Street. The low bidder for Hickory and Ash Streets is Stripe and Seal of Hays in the amount of \$233,458. The contractor indicated an October 1, 2014 start date to be completed in 60 working days.

Shaun Musil moved, Ron Mellick seconded, to authorize the City Manager to enter a contract with Stripe and Seal in the amount of \$233,458 for waterline improvements on Hickory and Ash from 27th Street to 29th Street. Funding would be from Water and Sewer Capital Reserve Fund.

Vote: Ayes: Henry Schwaller IV

Eber Phelps

Shaun Musil

Ron Mellick

Kent Steward

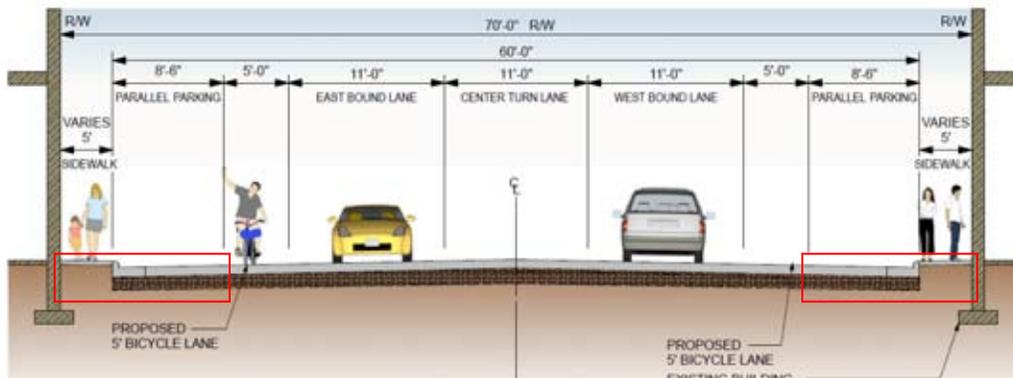
8. 2014 WATERLINE IMPROVEMENTS (ELM STREET FROM FORT TO 4TH

STREET) – AWARD OF BID: Bids were opened on April 16, 2014 for the

BASE PLAN

COST – \$1,408,204.50

Replace only driving lanes and intersections. Leave most parking, curb and sidewalk in place. 5' Bike Lane in street on both sides.

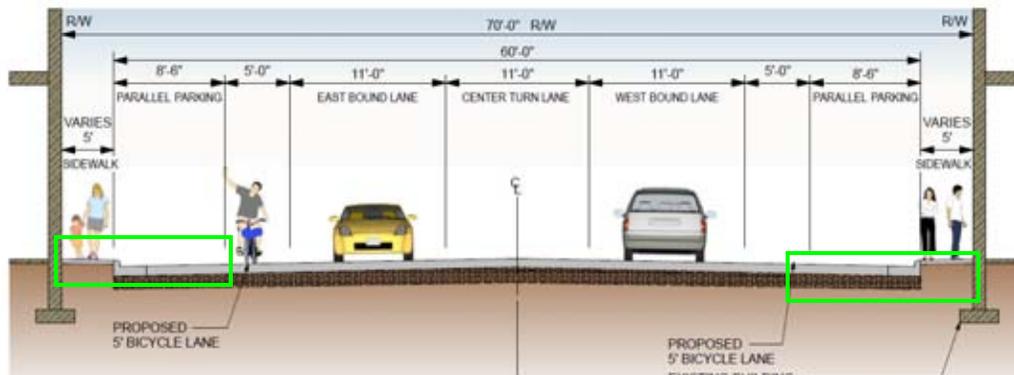
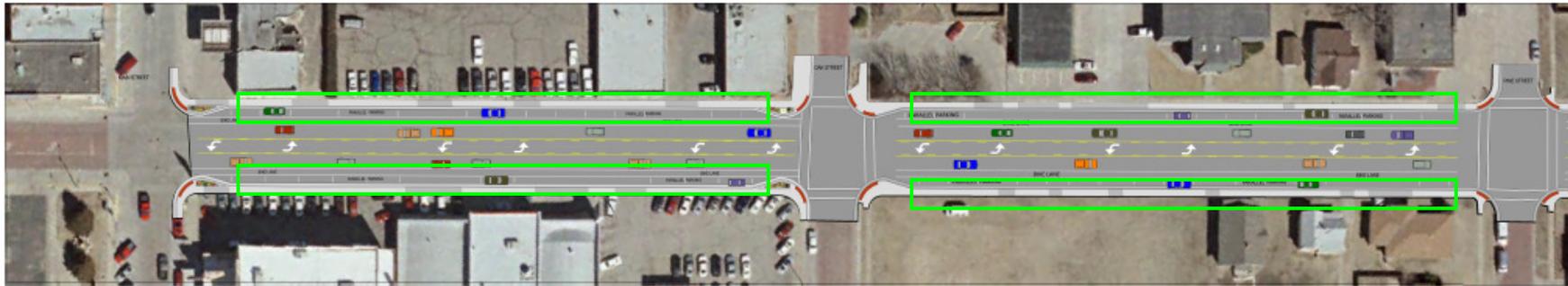


Leave existing sidewalk, curb & parking between intersections. Improve storm sewer at intersections only, and only water improvement is fire hydrant relocation.

ADD ALTERNATE A

COST \$2,057,145.65

Replace all pavement including sidewalk, curb and parking the entire length of the project.



Add Alternate A: Includes Base Bid plus reconstruct all sidewalk, curb & parking between intersections. Also include all new water services and new storm sewer from Pine to Milner.

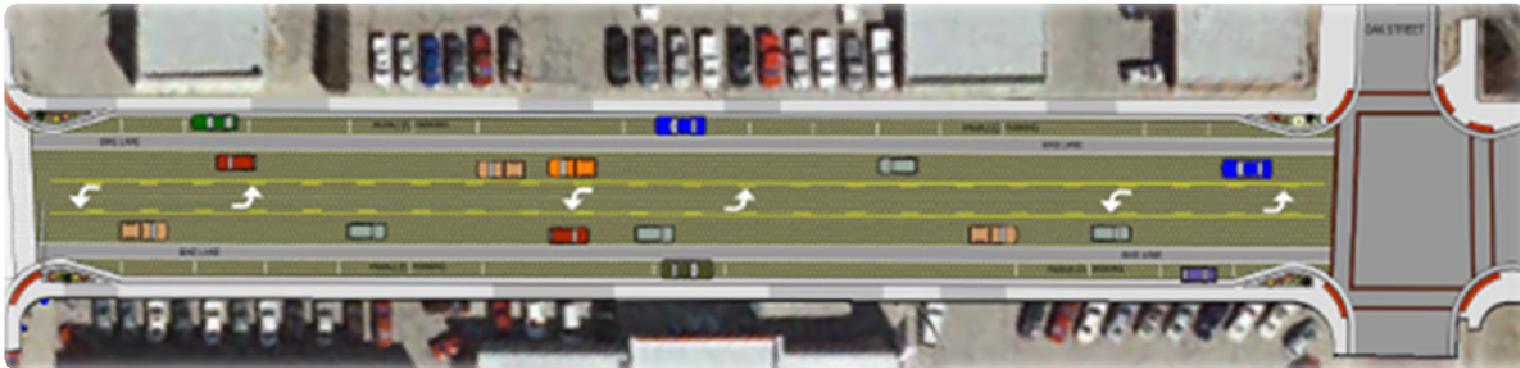
ADD ALTERNATES 1 & 2 BRICK ACCENTS

Add Alt 1 - Inlaid Brick Pavement
Main to Oak

Bid Price = \$126,555.50

Add Alt 2 - Brick Crosswalks at all
intersections

Bid Price \$ 10,564.40



ADD ALTERNATE 3 DECORATIVE STREET LIGHTS

- Match 8th Street & Downtown
 - Decorative from Main to Oak
 - New Standard Steel Poles from Oak to Milner

Add Alt 3 – Bid Price = \$179,000

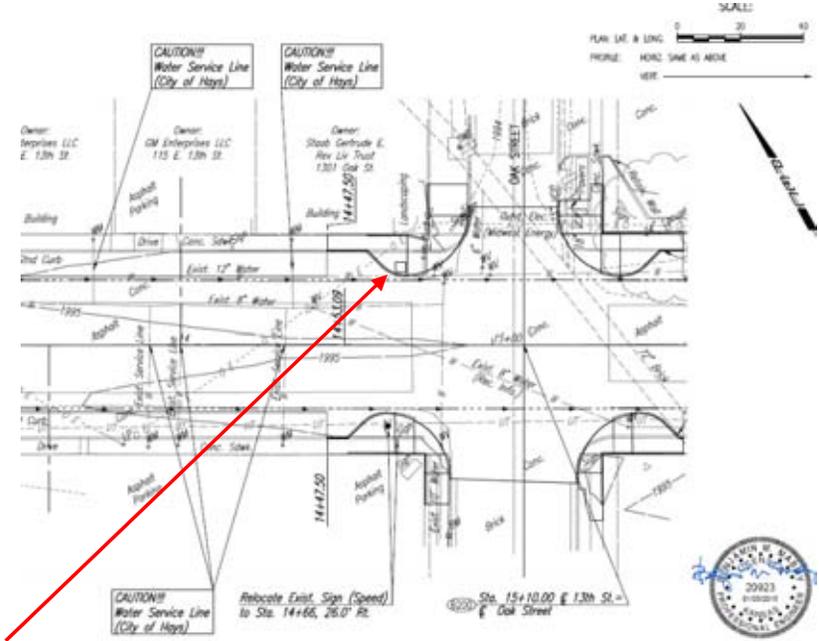


13th Street Existing



8th Street Decorative

ADD ALTERNATE 4 MONUMENT SIGN BASE



Proposed sign base location
at NW corner of 13th and Oak

**Add Alt 4 – Bid Price = \$1,500
(Foundation Only)**



OWNER: City of Hays
 PROJECT: 13th Street Improvements - Main to Milner
 PEC PROJECT NO: 35-14421-000-6647
 Bid Date/Time: January 28, 2015 at 3:00 pm

BID TABULATION



ITEM NO.	DESCRIPTION	QUANTITY	UNIT	ENGINEER'S ESTIMATE		APAC - Kansas, Inc. Shears Division		Smoky Hill, LLC	
				UNIT PRICE	COST	UNIT PRICE	COST	UNIT PRICE	COST
BASE BID - PAVING AND DRAINAGE									
1	8" Concrete Pavement (AE)(NRDJ)	11,301	SY	\$ 80.00	\$ 904,080.00	\$ 58.00	\$ 655,458.00	\$ 52.15	\$ 589,347.15
2	8" Reinforced Concrete Drive	38	SY	\$ 75.00	\$ 2,850.00	\$ 95.00	\$ 3,610.00	\$ 81.50	\$ 3,097.00
3	8" Concrete Pavement Patching	600	SY	\$ 150.00	\$ 90,000.00	\$ 84.00	\$ 50,400.00	\$ 129.85	\$ 77,910.00
4	6" Reinforced Crushed Rock Base	11,455	SY	\$ 12.00	\$ 137,460.00	\$ 11.50	\$ 131,732.50	\$ 14.85	\$ 170,106.75
5	Monolithic Edge Curb	510	LF	\$ 6.00	\$ 3,060.00	\$ 15.50	\$ 7,905.00	\$ 2.75	\$ 1,402.50
6	Concrete Sidewalk 4"	591	SY	\$ 45.00	\$ 26,595.00	\$ 65.50	\$ 38,710.50	\$ 61.15	\$ 36,139.65
7	Wheelchair Ramp	393	SY	\$ 125.00	\$ 49,125.00	\$ 110.00	\$ 43,230.00	\$ 112.25	\$ 44,114.25
8	Retaining Wall	734	LF	\$ 40.00	\$ 29,360.00	\$ 30.00	\$ 22,020.00	\$ 56.00	\$ 41,104.00
9	Concrete Pavement Removal	6,921	SY	\$ 10.00	\$ 69,210.00	\$ 7.00	\$ 48,447.00	\$ 7.40	\$ 51,215.40
10	Asphalt Pavement Removal (Includes Brick)	5,243	SY	\$ 10.00	\$ 52,430.00	\$ 6.00	\$ 31,458.00	\$ 5.55	\$ 29,098.65
11	Curb & Gutter Removal	238	LF	\$ 5.00	\$ 1,190.00	\$ 6.00	\$ 1,428.00	\$ 16.00	\$ 3,808.00
12	Unclassified Excavation	2,511	CY	\$ 7.50	\$ 18,832.50	\$ 4.50	\$ 11,299.50	\$ 24.85	\$ 62,398.35
13	36" RCP	54	LF	\$ 95.00	\$ 5,130.00	\$ 115.00	\$ 6,210.00	\$ 108.25	\$ 5,845.50
14	30" RCP	122	LF	\$ 85.00	\$ 10,370.00	\$ 87.00	\$ 10,614.00	\$ 99.65	\$ 12,157.30
15	24" RCP	218	LF	\$ 65.00	\$ 14,170.00	\$ 70.00	\$ 15,260.00	\$ 76.50	\$ 16,677.00
16	18" RCP	113	LF	\$ 50.00	\$ 5,650.00	\$ 57.00	\$ 6,441.00	\$ 72.20	\$ 8,158.60
17	15" RCP	36	LF	\$ 45.00	\$ 1,620.00	\$ 50.00	\$ 1,800.00	\$ 63.20	\$ 2,275.20
18	38" x 24" RCPHE	52	LF	\$ 130.00	\$ 6,760.00	\$ 120.00	\$ 6,240.00	\$ 114.35	\$ 5,946.20
19	45" x 29" RCPHE	80	LF	\$ 160.00	\$ 12,800.00	\$ 150.00	\$ 12,000.00	\$ 144.35	\$ 11,548.00
20	Curb Inlet Type 1 (L=10', W=3')	10	EA	\$ 5,000.00	\$ 50,000.00	\$ 6,000.00	\$ 60,000.00	\$ 4,595.00	\$ 45,950.00
21	Curb Inlet Type 1 (L=10', W=4')	2	EA	\$ 5,500.00	\$ 11,000.00	\$ 6,200.00	\$ 12,400.00	\$ 4,930.00	\$ 9,860.00
22	Curb Inlet Type 1 (L=10', W=6')	2	EA	\$ 6,500.00	\$ 13,000.00	\$ 7,000.00	\$ 14,000.00	\$ 5,300.00	\$ 10,600.00
23	Precast Concrete Manhole (6')	1	EA	\$ 3,000.00	\$ 3,000.00	\$ 6,200.00	\$ 6,200.00	\$ 4,500.00	\$ 4,500.00
24	Precast Concrete Manhole (8')	2	EA	\$ 4,000.00	\$ 8,000.00	\$ 10,000.00	\$ 20,000.00	\$ 7,665.00	\$ 15,330.00
25	Fire Hydrant Assembly	1	EA	\$ 4,000.00	\$ 4,000.00	\$ 3,800.00	\$ 3,800.00	\$ 7,400.00	\$ 7,400.00
26	Mobilization	1	LS	\$ 120,000.00	\$ 120,000.00	\$ 62,400.00	\$ 62,400.00	\$ 140,950.00	\$ 140,950.00
27	Construction Staking	1	LS	\$ 20,000.00	\$ 20,000.00	\$ 10,000.00	\$ 10,000.00	\$ 10,250.00	\$ 10,250.00
28	Site Preparation & Restoration	1	LS	\$ 25,000.00	\$ 25,000.00	\$ 2,100.00	\$ 2,100.00	\$ 12,650.00	\$ 12,650.00
29	Existing Structure Removal	16	EA	\$ 1,000.00	\$ 16,000.00	\$ 400.00	\$ 6,400.00	\$ 800.00	\$ 12,800.00
30	SWS Pipe Removal	578	LF	\$ 10.00	\$ 5,780.00	\$ 22.00	\$ 12,716.00	\$ 25.40	\$ 14,681.20
31	Erosion Control	1	LS	\$ 7,500.00	\$ 7,500.00	\$ 2,100.00	\$ 2,100.00	\$ 6,990.00	\$ 6,990.00
32	Signing	1	LS	\$ 7,500.00	\$ 7,500.00	\$ 2,125.00	\$ 2,125.00	\$ 2,275.00	\$ 2,275.00
33	Pavement Marking	1	LS	\$ 35,000.00	\$ 35,000.00	\$ 31,500.00	\$ 31,500.00	\$ 33,475.00	\$ 33,475.00
34	Traffic Control	1	LS	\$ 30,000.00	\$ 30,000.00	\$ 35,000.00	\$ 35,000.00	\$ 30,820.00	\$ 30,820.00
35	Waterline Adjustment (8")	2	EA	\$ 7,500.00	\$ 15,000.00	\$ 4,900.00	\$ 9,800.00	\$ 4,200.00	\$ 8,400.00
36	Waterline Adjustment (12")	2	EA	\$ 9,000.00	\$ 18,000.00	\$ 6,700.00	\$ 13,400.00	\$ 5,560.00	\$ 11,120.00
BASE BID TOTAL					\$ 1,829,472.50		\$ 1,408,204.50		\$ 1,550,400.70

ALTERNATE A - PAVING, DRAINAGE, & WATER															
1	8" Concrete Pavement (AE)(NRDJ)	12,059	SY	\$	80.00	\$	964,720.00	\$	56.75	\$	684,348.25	\$	54.15	\$	652,994.85
2	6" Concrete Pavement (AE)(NRDJ)	1,592	SY	\$	60.00	\$	95,520.00	\$	49.50	\$	78,804.00	\$	44.25	\$	70,446.00
3	8" Reinforced Concrete Drive	528	SY	\$	80.00	\$	42,240.00	\$	83.00	\$	43,824.00	\$	83.20	\$	43,929.60
4	6" Reinforced Concrete Drive	726	SY	\$	70.00	\$	50,820.00	\$	79.00	\$	57,354.00	\$	78.25	\$	56,809.50
5	8" Reinforced Crushed Rock Base	2,181	SY	\$	15.00	\$	32,715.00	\$	14.00	\$	30,534.00	\$	20.95	\$	45,691.95
6	6" Reinforced Crushed Rock Base	12,551	SY	\$	12.00	\$	150,612.00	\$	11.40	\$	143,081.40	\$	15.20	\$	190,775.20
7	Monolithic Edge Curb	2,998	LF	\$	6.00	\$	17,988.00	\$	15.00	\$	44,970.00	\$	2.75	\$	8,244.50
8	Concrete Sidewalk 4"	1,799	SY	\$	45.00	\$	80,955.00	\$	65.00	\$	116,935.00	\$	58.55	\$	105,331.45
9	Wheelchair Ramp	393	SY	\$	125.00	\$	49,125.00	\$	110.00	\$	43,230.00	\$	112.25	\$	44,114.25
10	Retaining Wall	1,150	LF	\$	30.00	\$	34,500.00	\$	29.00	\$	33,350.00	\$	56.40	\$	64,860.00
11	Concrete Pavement Removal	11,699	SY	\$	10.00	\$	116,990.00	\$	7.00	\$	81,893.00	\$	5.90	\$	69,024.10
12	Asphalt Pavement Removal (Includes Brick)	5,268	SY	\$	10.00	\$	52,680.00	\$	6.00	\$	31,608.00	\$	5.50	\$	28,974.00
13	Curb & Gutter Removal	238	LF	\$	5.00	\$	1,190.00	\$	6.00	\$	1,428.00	\$	16.00	\$	3,808.00
14	Unclassified Excavation	3,034	CY	\$	7.50	\$	22,755.00	\$	4.50	\$	13,653.00	\$	45.55	\$	138,198.70
15	42" RCP	997	LF	\$	140.00	\$	139,580.00	\$	150.00	\$	149,550.00	\$	135.10	\$	134,694.70
16	36" RCP	87	LF	\$	95.00	\$	8,265.00	\$	115.00	\$	10,005.00	\$	109.90	\$	9,561.30
17	24" RCP	166	LF	\$	65.00	\$	10,790.00	\$	70.00	\$	11,620.00	\$	78.90	\$	13,097.40
18	18" RCP	113	LF	\$	50.00	\$	5,650.00	\$	57.00	\$	6,441.00	\$	73.35	\$	8,288.55
19	15" RCP	36	LF	\$	45.00	\$	1,620.00	\$	51.00	\$	1,836.00	\$	65.00	\$	2,340.00
20	45" x 29" RCPHE	80	LF	\$	160.00	\$	12,800.00	\$	150.00	\$	12,000.00	\$	140.25	\$	11,220.00
21	53" x 34" RCPHE	83	LF	\$	210.00	\$	17,430.00	\$	180.00	\$	14,940.00	\$	169.50	\$	14,068.50
22	Curb Inlet Type 1 (L=10', W=3')	7	EA	\$	5,000.00	\$	35,000.00	\$	6,000.00	\$	42,000.00	\$	4,595.00	\$	32,165.00
23	Curb Inlet Type 1 (L=10', W=4')	2	EA	\$	5,500.00	\$	11,000.00	\$	6,200.00	\$	12,400.00	\$	4,930.00	\$	9,860.00
24	Curb Inlet Type 1 (L=10', W=5')	1	EA	\$	6,000.00	\$	6,000.00	\$	6,800.00	\$	6,800.00	\$	5,225.00	\$	5,225.00
25	Curb Inlet Type 1 (L=10', W=6')	4	EA	\$	6,500.00	\$	26,000.00	\$	7,000.00	\$	28,000.00	\$	5,300.00	\$	21,200.00
26	Precast Concrete Manhole (6')	1	EA	\$	3,000.00	\$	3,000.00	\$	6,200.00	\$	6,200.00	\$	4,500.00	\$	4,500.00
27	Precast Concrete Manhole (8')	2	EA	\$	4,000.00	\$	8,000.00	\$	10,000.00	\$	20,000.00	\$	7,665.00	\$	15,330.00
28	Water Service Replacement	40	EA	\$	2,750.00	\$	110,000.00	\$	2,000.00	\$	80,000.00	\$	2,020.00	\$	80,800.00
29	Fire Hydrant Assembly	1	EA	\$	4,000.00	\$	4,000.00	\$	3,800.00	\$	3,800.00	\$	7,400.00	\$	7,400.00
30	Mobilization	1	LS	\$	140,000.00	\$	140,000.00	\$	72,500.00	\$	72,500.00	\$	162,650.00	\$	162,650.00
31	Construction Staking	1	LS	\$	20,000.00	\$	20,000.00	\$	15,000.00	\$	15,000.00	\$	15,300.00	\$	15,300.00
32	Site Preparation & Restoration	1	LS	\$	25,000.00	\$	25,000.00	\$	8,500.00	\$	8,500.00	\$	30,500.00	\$	30,500.00
33	Existing Structure Removal	16	EA	\$	1,000.00	\$	16,000.00	\$	400.00	\$	6,400.00	\$	800.00	\$	12,800.00
34	SWS Pipe Removal	578	LF	\$	10.00	\$	5,780.00	\$	22.00	\$	12,716.00	\$	25.40	\$	14,681.20
35	Erosion Control	1	LS	\$	7,500.00	\$	7,500.00	\$	2,100.00	\$	2,100.00	\$	8,475.00	\$	8,475.00
36	Signing	1	LS	\$	7,500.00	\$	7,500.00	\$	2,125.00	\$	2,125.00	\$	2,275.00	\$	2,275.00
37	Pavement Marking	1	LS	\$	35,000.00	\$	35,000.00	\$	31,500.00	\$	31,500.00	\$	33,475.00	\$	33,475.00
38	Traffic Control	1	LS	\$	30,000.00	\$	30,000.00	\$	35,000.00	\$	35,000.00	\$	30,825.00	\$	30,825.00
39	Milner Waterline Adjustment	1	EA	\$	17,500.00	\$	17,500.00	\$	11,500.00	\$	11,500.00	\$	16,025.00	\$	16,025.00
40	Waterline Adjustment (8")	4	EA	\$	7,500.00	\$	30,000.00	\$	5,300.00	\$	21,200.00	\$	4,200.00	\$	16,800.00
41	Waterline Adjustment (12")	4	EA	\$	9,000.00	\$	36,000.00	\$	7,000.00	\$	28,000.00	\$	5,565.00	\$	22,260.00
ALTERNATE A TOTAL					\$	2,482,225.00	\$	2,057,145.65	\$	2,259,018.75					

ADD ALTERNATE NO. 1 - BRICK PAVERS									
1	Deduct 8" Concrete Pavement (AE)(NRDJ)	-2,754	SY	\$ 80.00	\$ (220,320.00)	\$ 56.75	\$ (156,289.50)	\$ 46.85	\$ (129,024.90)
2	11" Concrete Pavement (AE)(NRDJ)	736	SY	\$ 95.00	\$ 69,920.00	\$ 95.00	\$ 69,920.00	\$ 98.15	\$ 72,238.40
3	Concrete Brick Pavers	2,018	SY	\$ 160.00	\$ 322,880.00	\$ 105.00	\$ 211,890.00	\$ 88.55	\$ 178,693.90
4	Unclassified Excavation	230	CY	\$ 7.50	\$ 1,725.00	\$ 4.50	\$ 1,035.00	\$ 21.30	\$ 4,899.00
ADD ALTERNATE NO. 1 TOTAL				\$ 174,205.00	\$ 126,555.50	\$ 126,806.40			
ADD ALTERNATE NO. 2 - BRICK CROSSWALK									
1	Brick Crosswalk	1,372	LF	\$ 15.00	\$ 20,580.00	\$ 7.70	\$ 10,564.40	\$ 58.75	\$ 80,605.00
ADD ALTERNATE NO. 2 TOTAL				\$ 20,580.00	\$ 10,564.40	\$ 80,605.00			
ADD ALTERNATE NO. 3 - ELECTRICAL/LIGHTING									
1	Electrical/Lighting	1	LS	\$ 220,000.00	\$ 220,000.00	\$ 179,000.00	\$ 179,000.00	\$ 229,300.00	\$ 229,300.00
ADD ALTERNATE NO. 3 TOTAL				\$ 220,000.00	\$ 179,000.00	\$ 229,300.00			
ADD ALTERNATE NO. 4 - MONUMENT BASE									
1	Monument Sign Concrete Base	1	EA	\$ 5,000.00	\$ 5,000.00	\$ 1,500.00	\$ 1,500.00	\$ 2,000.00	\$ 2,000.00
ADD ALTERNATE NO. 4 TOTAL				\$ 5,000.00	\$ 1,500.00	\$ 2,000.00			
BID BOND				N/A	-	-			
ADDENDUM NO. 1				N/A	-	-			
ADDENDUM NO. 2				N/A	-	-			

CITY OF HAYS, KANSAS

13th Street Improvements, Main to Milner

COH PROJECT NO. 2013-22

PROPOSAL

TO THE HONORABLE MAYOR AND CITY COMMISSION CITY OF HAYS, KANSAS

1. The undersigned declares he has read the Specifications and other Contract Documents, has examined and understands the Plans, has examined the site of the Work and has determined for himself the conditions affecting the Work; and he proposes and agrees to provide at his own expense all labor, superintendence, machinery, plant, equipment, tools, apparatus, appliances and means of construction, and all materials and supplies, and to complete ready for its intended purpose the entire work and all parts thereof described as included under the Contract herein, including all work incidental thereto, according to the Plans and Specifications, and such instructions the Owner may give.
2. The Undersigned Bidder, in compliance with your Notice to Contractors dated January 5, 2015, hereby proposes to do the Work called for in said Specifications and other Contract Documents and shown on said Plans for the said work at the following rates and prices:

SCHEDULE OF ITEMS AND PRICES

BASE BID (unit price)

<u>Item No.</u>	<u>Description</u>	<u>Approx. Quantities</u>	<u>Unit</u>	<u>Unit Price In Figures</u>	<u>Amount In Figures</u>
1.	8" Concrete Pavement (AE)(NRDJ)	11301	SY	\$ <u>58.00</u>	\$ <u>655,458.00</u>
2.	8" Reinforced Concrete Drive	38	SY	\$ <u>95.00</u>	\$ <u>3,610.00</u>
3.	8" Concrete Pavement Patching	600	SY	\$ <u>84.00</u>	\$ <u>50,400.00</u>
4.	6" Reinforced Crushed Rock Base	11455	SY	\$ <u>11.50</u>	\$ <u>131,732.50</u>
5.	Monolithic Edge Curb	510	LF	\$ <u>15.50</u>	\$ <u>7,905.00</u>
6.	Concrete Sidewalk 4"	591	SY	\$ <u>65.50</u>	\$ <u>38,710.50</u>
7.	Wheelchair Ramp	393	SY	\$ <u>110.00</u>	\$ <u>42,230.00</u>
8.	Retaining Wall	734	LF	\$ <u>30.00</u>	\$ <u>22,020.00</u>
9.	Concrete Pavement Removal	6921	SY	\$ <u>7.00</u>	\$ <u>48,447.00</u>
10.	Asphalt Pavement Removal (Includes Brick)	5243	SY	\$ <u>6.00</u>	\$ <u>31,458.00</u>
11.	Curb & Gutter Removal	238	LF	\$ <u>6.00</u>	\$ <u>1,428.00</u>
12.	Unclassified Excavation	2511	CY	\$ <u>4.50</u>	\$ <u>11,299.50</u>
13.	36" RCP	54	LF	\$ <u>115.00</u>	\$ <u>6,210.00</u>
14.	30" RCP	122	LF	\$ <u>87.00</u>	\$ <u>10,614.00</u>
15.	24" RCP	218	LF	\$ <u>70.00</u>	\$ <u>15,260.00</u>

ADDENDUM NO. 1 - PROPOSAL

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16.	18" RCP	113	LF	\$ <u>57.00</u>	\$ <u>6,441.00</u>
17.	15" RCP	36	LF	\$ <u>50.00</u>	\$ <u>1,800.00</u>
18.	38" x 24" RCPHE	52	LF	\$ <u>120.00</u>	\$ <u>6,240.00</u>
19.	45" x 29" RCPHE	80	LF	\$ <u>150.00</u>	\$ <u>12,000.00</u>
20.	Curb Inlet Type 1 (L=10', W=3')	10	EA	\$ <u>6,000.00</u>	\$ <u>60,000.00</u>
21.	Curb Inlet Type 1 (L=10', W=4')	2	EA	\$ <u>6,200.00</u>	\$ <u>12,400.00</u>
22.	Curb Inlet Type 1 (L=10', W=6')	2	EA	\$ <u>7,000.00</u>	\$ <u>14,000.00</u>
23.	Precast Concrete Manhole (6')	1	EA	\$ <u>6,200.00</u>	\$ <u>6,200.00</u>
24.	Precast Concrete Manhole (8')	2	EA	\$ <u>10,000.00</u>	\$ <u>20,000.00</u>
25.	Fire Hydrant Assembly	1	EA	\$ <u>3,800.00</u>	\$ <u>3,800.00</u>
26.	Mobilization	1	LS	\$ <u>62,400.00</u>	\$ <u>62,400.00</u>
27.	Construction Staking	1	LS	\$ <u>10,000.00</u>	\$ <u>10,000.00</u>
28.	Site Preparation & Restoration	1	LS	\$ <u>2,100.00</u>	\$ <u>2,100.00</u>
29.	Existing Structure Removal	16	EA	\$ <u>400.00</u>	\$ <u>6,400.00</u>
30.	SWS Pipe Removal	578	LF	\$ <u>22.00</u>	\$ <u>12,716.00</u>
31.	Erosion Control	1	LS	\$ <u>2100.00</u>	\$ <u>2100.00</u>
32.	Signing	1	LS	\$ <u>2125.00</u>	\$ <u>2125.00</u>
33.	Pavement Marking	1	LS	\$ <u>31,500.00</u>	\$ <u>31,500.00</u>
34.	Traffic Control	1	LS	\$ <u>35,000.00</u>	\$ <u>35,000.00</u>
35.	Waterline Adjustment (8")	2	EA	\$ <u>4,900.00</u>	\$ <u>9,800.00</u>
36.	Waterline Adjustment (12")	2	EA	\$ <u>6,700.00</u>	\$ <u>13,400.00</u>

TOTAL BASE BID (in figures) \$ 1,408,204.50
TOTAL BASE BID (in words) ONE MILLION FOUR HUNDRED EIGHT THOUSAND TWO HUNDRED FOUR DOLLARS AND FIFTY CENTS.

ALTERNATE A

Item No.	Description	Approx. Quantities	Unit	Unit Price In Figures	Amount In Figures
1.	8" Concrete Pavement (AE)(NRDJ)	12059	SY	\$ <u>56.75</u>	\$ <u>684,348.25</u>
2.	6" Concrete Pavement (AE)(NRDJ)	1592	SY	\$ <u>49.50</u>	\$ <u>78,804.00</u>
3.	8" Reinforced Concrete Drive	528	SY	\$ <u>83.00</u>	\$ <u>43,824.00</u>
4.	6" Reinforced Concrete Drive	726	SY	\$ <u>79.00</u>	\$ <u>57,354.00</u>
5.	8" Reinforced Crushed Rock Base	2181	SY	\$ <u>14.00</u>	\$ <u>30,534.00</u>
6.	6" Reinforced Crushed Rock Base	12551	SY	\$ <u>11.40</u>	\$ <u>143,081.40</u>
7.	Monolithic Edge Curb	2998	LF	\$ <u>15.00</u>	\$ <u>44,970.00</u>
8.	Concrete Sidewalk 4"	1799	SY	\$ <u>65.00</u>	\$ <u>116,935.00</u>
9.	Wheelchair Ramp	393	SY	\$ <u>110.00</u>	\$ <u>43,230.00</u>
10.	Retaining Wall	1150	LF	\$ <u>29.00</u>	\$ <u>33,350.00</u>
11.	Concrete Pavement Removal	11699	SY	\$ <u>7.00</u>	\$ <u>81,893.00</u>
12.	Asphalt Pavement Removal (Includes Brick)	5268	SY	\$ <u>6.00</u>	\$ <u>31,608.00</u>
13.	Curb & Gutter Removal	238	LF	\$ <u>6.00</u>	\$ <u>1,428.00</u>
14.	Unclassified Excavation	3034	CY	\$ <u>4.50</u>	\$ <u>13,653.00</u>

15.	42" RCP	997	LF	\$ <u>150.00</u>	\$ <u>149,550.00</u>
16.	36" RCP	87	LF	\$ <u>115.00</u>	\$ <u>10,005.00</u>
17.	24" RCP	166	LF	\$ <u>70.00</u>	\$ <u>11,620.00</u>
18.	18" RCP	113	LF	\$ <u>57.00</u>	\$ <u>6,441.00</u>
19.	15" RCP	36	LF	\$ <u>51.00</u>	\$ <u>1,836.00</u>
20.	45" x 29" RCPHE	80	LF	\$ <u>150.00</u>	\$ <u>12,000.00</u>
21.	53" x 34" RCPHE	83	LF	\$ <u>180.00</u>	\$ <u>14,940.00</u>
22.	Curb Inlet Type 1 (L=10', W=3')	7	EA	\$ <u>6,000.00</u>	\$ <u>42,000.00</u>
23.	Curb Inlet Type 1 (L=10', W=4')	2	EA	\$ <u>6,200.00</u>	\$ <u>12,400.00</u>
24.	Curb Inlet Type 1 (L=10', W=5')	1	EA	\$ <u>6,800.00</u>	\$ <u>6,800.00</u>
25.	Curb Inlet Type 1 (L=10', W=6')	4	EA	\$ <u>7,000.00</u>	\$ <u>28,000.00</u>
26.	Precast Concrete Manhole (6')	1	EA	\$ <u>6,200.00</u>	\$ <u>6,200.00</u>
27.	Precast Concrete Manhole (8')	2	EA	\$ <u>10,000.00</u>	\$ <u>20,000.00</u>
28.	Water Service Replacement	40	EA	\$ <u>2,000.00</u>	\$ <u>80,000.00</u>
29.	Fire Hydrant Assembly	1	EA	\$ <u>3,800.00</u>	\$ <u>3,800.00</u>
30.	Mobilization	1	LS	\$ <u>72,500.00</u>	\$ <u>72,500.00</u>
31.	Construction Staking	1	LS	\$ <u>15,000.00</u>	\$ <u>15,000.00</u>
32.	Site Preparation & Restoration	1	LS	\$ <u>8,500.00</u>	\$ <u>8,500.00</u>
33.	Existing Structure Removal	16	EA	\$ <u>400.00</u>	\$ <u>6,400.00</u>
34.	SWS Pipe Removal	578	LF	\$ <u>22.00</u>	\$ <u>12,716.00</u>
35.	Erosion Control	1	LS	\$ <u>2100.00</u>	\$ <u>2100.00</u>
36.	Signing	1	LS	\$ <u>2125.00</u>	\$ <u>2125.00</u>
37.	Pavement Marking	1	LS	\$ <u>31,500.00</u>	\$ <u>31,500.00</u>
38.	Traffic Control	1	LS	\$ <u>35,000.00</u>	\$ <u>35,000.00</u>
39.	Milner Waterline Adjustment	1	EA	\$ <u>11,500.00</u>	\$ <u>11,500.00</u>
40.	Waterline Adjustment (8")	4	EA	\$ <u>5300.00</u>	\$ <u>21,200.00</u>
41.	Waterline Adjustment (12")	4	EA	\$ <u>7,000.00</u>	\$ <u>28,000.00</u>

TOTAL BID ALTERNATE A (in figures) \$2,057,145.65

TOTAL BID ALTERNATE A (in words) TWO MILLION FIFTY SEVEN THOUSAND ONE HUNDRED FORTY-FIVE DOLLARS AND SIXTY-FIVE CENTS.

ADD ALTERNATE 1

<u>Item No.</u>	<u>Description</u>	<u>Approx. Quantities</u>	<u>Unit</u>	<u>Unit Price In Figures</u>	<u>Amount In Figures</u>
1.	Deduct 8" Concrete Pavement (AE)(NRDJ)	-2754	SY	\$ <u>56.75</u>	\$ <u><156,289.50></u>
2.	11" Concrete Pavement (AE)(NRDJ)	736	SY	\$ <u>95.00</u>	\$ <u>69,920.00</u>
3.	Concrete Brick Pavers	2018	SY	\$ <u>105.00</u>	\$ <u>211,890.00</u>
4.	Unclassified Excavation	230	CY	\$ <u>4.50</u>	\$ <u>1,035.00</u>

TOTAL BID ADD ALTERNATE 1 (in figures) \$ 126,555.50

TOTAL BID ADD ALTERNATE 1 (in words) ONE HUNDRED TWENTY SIX THOUSAND FIVE HUNDRED FIFTY-FIVE DOLLARS AND FIFTY CENTS.

ADD ALTERNATE 2

<u>Item No.</u>	<u>Description</u>	<u>Approx. Quantities</u>	<u>Unit</u>	<u>Unit Price In Figures</u>	<u>Amount In Figures</u>
1.	Brick Crosswalk	1372	LF	\$ <u>7.70</u>	\$ <u>10,564.40</u>
TOTAL BID ADD ALTERNATE 2 (in figures)					\$ <u>10,564.40</u>
TOTAL BID ADD ALTERNATE 2 (in words)					<u>TEN THOUSAND FIVE HUNDRED SIXTY FOUR DOLLARS AND FORTY CENTS</u>

ADD ALTERNATE 3

<u>Item No.</u>	<u>Description</u>	<u>Approx. Quantities</u>	<u>Unit</u>	<u>Unit Price In Figures</u>	<u>Amount In Figures</u>
1.	Electrical/Lighting	1	LS	\$ <u>179,000.00</u>	\$ <u>179,000.00</u>
TOTAL BID ADD ALTERNATE 3 (in figures)					\$ <u>179,000.00</u>
TOTAL BID ADD ALTERNATE 3 (in words)					<u>ONE HUNDRED SEVENTY NINE THOUSAND DOLLARS EVEN</u>

ADD ALTERNATE 4

<u>Item No.</u>	<u>Description</u>	<u>Approx. Quantities</u>	<u>Unit</u>	<u>Unit Price In Figures</u>	<u>Amount In Figures</u>
1.	Monument Sign Concrete Base	1	EA	\$ <u>1,500.00</u>	\$ <u>1,500.00</u>
TOTAL BID ADD ALTERNATE 4 (in figures)					\$ <u>1,500.00</u>
TOTAL BID ADD ALTERNATE 4 (in words)					<u>ONE THOUSAND FIVE HUNDRED DOLLARS EVEN</u>

3. The Undersigned Bidder understand the above quantities of work to be done are approximate only and are intended principally to serve as a guide in evaluating the bids. Payments will be made based on Measurement and Payment section of the Project Manual.
4. The Undersigned agrees, upon written notice of the acceptance of this bid within 45 days after the opening of the bids, that he will execute the Contract in accordance with the bid as accepted within ten (10) days after the prescribed forms are presented for signature.
5. The Undersigned further agrees that if awarded the Contract, he will commence work within ten (10) calendar days after receipt of Notice to Proceed, and that he will complete the work within:

<u>150</u>	calendar days for Base Bid
<u>220</u>	calendar days for Alternate A

 with an additional contract time of:

<u>50</u>	calendar days for Add Alternate 1
<u>5</u>	calendar days for Add Alternate 2
<u>75</u>	calendar days for Add Alternate 3
<u>2</u>	calendar days for Add Alternate 4

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of the date of mailing or delivery of the Notice to Proceed; and that he shall pay liquidated damages in the amount of Six Hundred Dollars (\$600) for each calendar day, exclusive of Sundays and holidays, the work remains uncompleted after expiration of Contract time.

The Contractor further agrees substantial completion of the Project shall occur no later than October 31, 2015.

The Contractor further agrees he will commence the work on or about, MARCH 23, 20 15.

- 6. As an evidence of good faith in submitting this Proposal, the Undersigned encloses a cashier's check, a certified check, or a bid bond in the amount of 5% (five percent) of the bid which in case he refuses or fails to accept an award and to enter into a contract and file the required bonds within the prescribed time, shall be forfeited as liquidated damages.
- 7. The Undersigned hereby declares the only parties interested in this proposal are named herein, that this Proposal is made without collusion with any other person, firm or corporation, that no member of the City Commission, officer or agent of the City of Hays, Kansas, is directly or indirectly financially interested in this bid.
- 8. Addendum Nos. 1, 2 were received and considered in the preparation of this Proposal.

Dated in HAYS, KS this 28th day of JANUARY, 20 15

SIGNATURE OF BIDDER

If an individual: _____ doing business
as _____

If a partnership: _____ member of
firm by _____

If a corporation: APAC - Kansas, Inc.
Shears Division
by [Signature]
Title Vice President/Asst. Secretary



Business Address of Bidder: P.O. BOX 190
HAYS, KANSAS
67601

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 10 MEETING DATE: 2-26-15

TOPIC:

2015 Street Maintenance – Award of Bids

ACTION REQUESTED:

Authorize the City Manager to enter contracts for construction as follows, all to be funded out of Special Highway:

- B&H Paving in the amount of \$208,740.14 for Chip Seal;
- JCorp in the amount of \$129,780 for the Reconstruction of 12th Street;
- Sweeney Pavement Maintenance in the amount of \$49,425 for Polypatch;
- Stripe and Seal in the amount of \$71,233 for Curb and Brick Repair.

NARRATIVE:

Bids have been received for 2015 Street Maintenance Projects. Those projects include the Chip Seal of approximately 5.6 miles of asphalt streets, poly patch of asphalt streets in various locations, reconstruction of 12th Street east of Canterbury, and the repair of brick streets on Ash from 14th to 17th Street. The amount of work proposed totals \$459,178 awarded to 4 different contractors. The work would be accomplished at various locations and various times throughout the year.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

ADMINISTRATION RECOMMENDATION:

Staff recommends awarding the contracts to the low bidders as presented.

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Staff memo
Location Map
Bid Tabulation

Commission Work Session Agenda

Memo

From: John Braun, Assistant Director of Public Works

Work Session: February 17, 2015

Subject: 2015 Street Maintenance – Award of Bid

Person(s) Responsible: Toby Dougherty, City Manager
I.D. Creech, Director of Public Works

Summary

Bids have been received for 2015 Street Maintenance Projects. Those projects include the Chip Seal of approximately 5.6 miles of asphalt streets, poly patch of asphalt streets in various locations, reconstruction of 12th Street east of Canterbury, and the repair of brick streets on Ash from 14th to 17th Street. The amount of work proposed totals \$459,178 awarded to 4 different contractors. The work would be accomplished at various locations and various times throughout the year.

Background

At the November 20, 2104 City Commission Work Session, staff presented a Street Maintenance Plan for 2015. The plan presented to the City Commission at that time called for \$533,000 of contracted work to include Chip Seal, Poly-patch, curb and brick repair, and the reconstruction of 12th Street east of Canterbury; along with \$105,000 of in-house work to include the rehabilitation of the 600 block of E 5th Street. Those projects combined with \$20,000 for the Sidewalk Rebate program totaled **\$658,000**, which is the amount of Special Highway Funds available in 2015.

Discussion

Bids from five (5) different contractors were received on January 14, 2015. The tabulation of bids is attached. The bid documents were structured so that contractors could bid on one or more of four different projects, and separate contracts could be awarded for each type of work. The projects are detailed below, and a map showing the location of all projects is attached.

1. Chip Seal

Chip Seal is the process of applying a thin coat of oil to the surface of asphalt streets immediately followed by a coating of chipped stone, which is roller packed embedding it into the oil and old asphalt surface. This maintenance treatment has been the “workhorse” of the City’s Street Maintenance for residential and collector asphalt streets for the last 9 years. This year’s project includes over 5 miles of residential streets mainly in the area west of Vine Street. The low bid came from B&H Paving of Scott City, KS. B&H Paving has performed Chip Seal

in Hays many times in the past. They have considerable experience in this type of work and a good reputation. At the unit bid price of \$1.898 per SY, the cost is **\$208,740.14**.

2. Polypatch

This project called for 3000 gallons of polypatch to be used on various streets throughout the City to fill large cracks and depressions. The City has used polypatch the last 10 years or more, and it has proven to be the best product for this purpose. Some of the quantity will be used to prepare the streets scheduled for chip seal. The remainder of the quantity will be used as needed to make repairs to streets that may fail in spots due to winter weather. The low bid came from Sweeney Pavement Maintenance of Hays, KS. They had the contract for Polypatch last year and did a good job. The unit bid price of \$16.475 per gallon results in a contract price of **\$49,425**.

3. Curb and Brick Repair

The project calls for the repair of the curbing and brick street mainly in the are of Ash Street between 14th and 17th Street. It is similar to Curb and Brick Repair projects accomplished over the last several years. The low bid came from Stripe and Seal of Hays with a price of **\$71,233**.

4. 12th Street Reconstruction

This project involves the reconstruction of one block of 12th Street between Canterbury Drive and the Hays High School student parking lot. This section of 12th Street was bid since the asphalt has failed past the point of no return, it was listed as a priority in the 2011 Pavement Condition Assessment, and the size of the project fit the funding available. This will be a full depth pavement replacement. The asphalt will be removed, the failed subgrade will be replaced with a geogrid and 6 inches of crushed concrete, and 8” of concrete pavement will be installed. JCorp of Hays is the low bidder on this project with a bid of **\$129,780**.

All low bids were below staff’s estimate of cost and the amount presented at the November 20, 2014 City Commission Work Session.

Legal Consideration

There are no known legal obstacles to proceeding as recommended by City Staff.

Financial Consideration

Currently street maintenance is financed through the Special Highway Fund, which receives revenue from the State of Kansas mainly from fuel tax reimbursements. The 2015 Budget included \$658,082 in the Projects Line Item of the Special Highway Budget. Subtracting out \$105,000 for in-house work and \$20,000 for the Sidewalk Rebate Program leaves \$533,082 available for the projects just bid.

A summary of staff’s recommendation for award of bid is listed below:

Project	Contractor	Budgeted Amount	Low Bid
Chip Seal	B&H	\$ 233,000.00	\$208,740.14
12th Street Reconstruct	JCorp	\$ 165,000.00	\$129,780.00
Polypatch	Sweeney	\$ 60,000.00	\$49,425.00
Curb & Brick Repair	Stripe & Seal	\$ 75,000.00	\$71,233.00
Total		\$ 533,000.00	\$459,178.14

Awarding the \$459,178.14, allocating \$105,000 for in-house work, and \$20,000 for the Sidewalk Rebate Program, will leave \$73,821.86 in the project line item and \$50,000 in the contingency line of the Special Highway Budget. It is appropriate to keep approximately 10% (\$45K) for unforeseens, which allows approximately \$75,000 to be used for additional work or other projects.

Options

The City Commission has the following options:

- Award contracts as recommended by staff
- Provide alternate direction to City Staff
- Do nothing

Recommendation

Staff recommends awarding the contracts to the low bidders as presented.

Action Requested

Authorize the City Manager to enter contracts for construction as follows, all to be funded out of Special Highway:

- B&H Paving in the amount of \$208,740.14 for Chip Seal;
- JCorp in the amount of \$129,780 for the Reconstruction of 12th Street
- Sweeney Pavement Maintenance in the amount of \$49,425 for Polypatch
- Stripe and Seal in the amount of \$71,233 for Curb and Brick Repair

Supporting Documentation

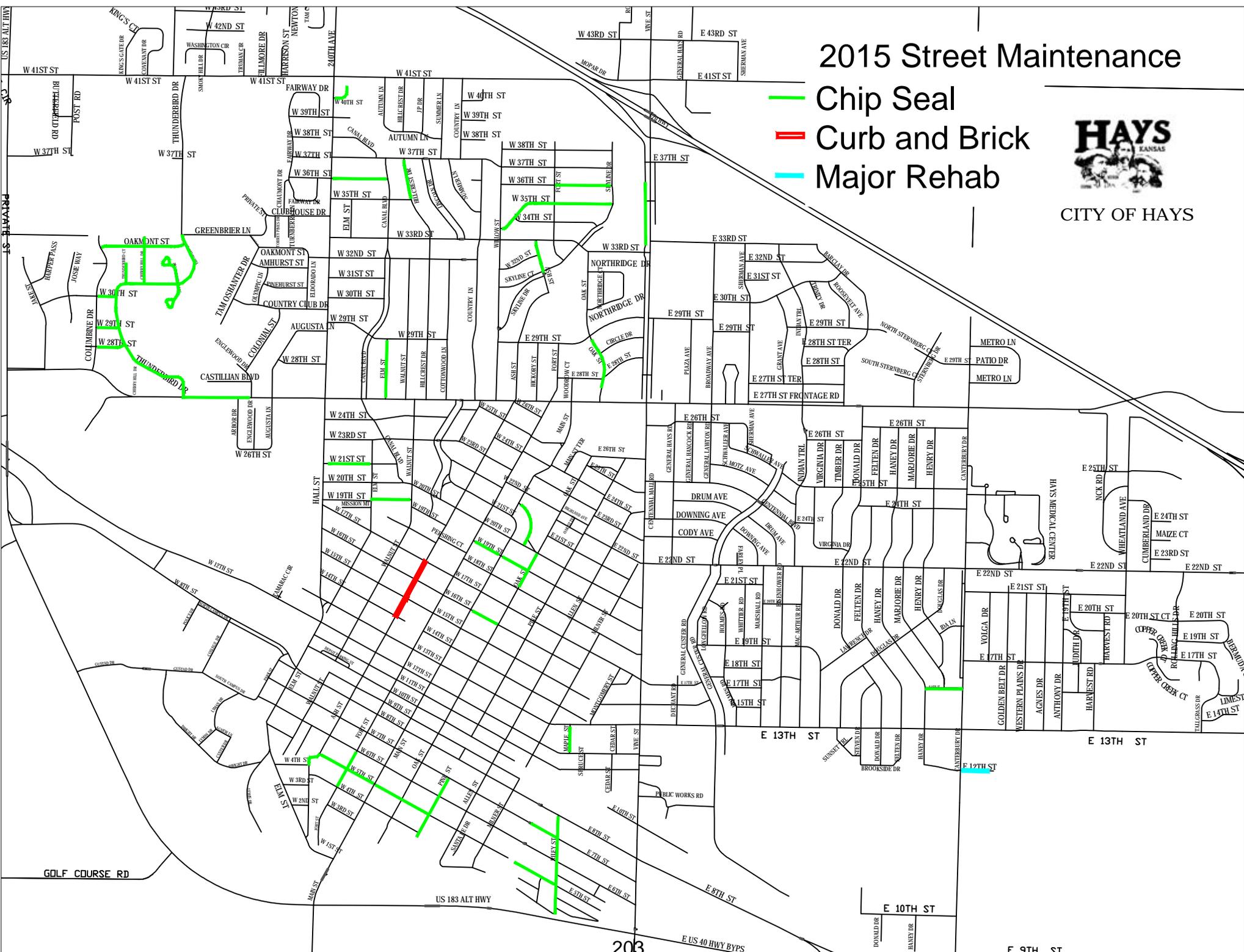
Location Map
Bid Tabulation

2015 Street Maintenance

- Chip Seal
- Curb and Brick
- Major Rehab



CITY OF HAYS



City of Hays Project 2014-22, 2015 Street Maintenance

BID DATE: January 14, 2015

Contractors		J-Corp		Stripe & Seal		Apac		B & H Paving		Sweeney Pavement	
Bid #	Description	Quantity	Unit	Unit Price	Total	Unit Price	Total	Unit Price	Total	Unit Price	Total
1	Chip Seal with CRS-1HP	109,979	SY		No Bid		No Bid	\$ 1.95	\$ 214,459.05	\$ 1.898	\$ 208,740.14
2	Street Reconstruction Mechanically Stabilized Subgrade	1,645	SY	\$ 19.00	\$ 31,255.00	\$ 18.22	\$ 29,971.90	\$ 19.50	\$ 32,077.50		
2a	8" NRDJ Pavement	1,645	SY	\$ 57.00	\$ 93,765.00	\$ 56.00	\$ 92,120.00	\$ 67.75	\$ 111,448.75		
2b	Pavement Markings Arrow	4	EA	\$ 250.00	\$ 1,000.00	\$ 315.84	\$ 1,263.36	\$ 500.00	\$ 2,000.00		
2c	Pavement Markings 6" Solid White	75	LF	\$ 4.00	\$ 300.00	\$ 16.21	\$ 1,215.75	\$ 20.00	\$ 1,500.00		
2d	Pavement Markings 4" Double Yellow	415	LF	\$ 4.00	\$ 1,660.00	\$ 16.21	\$ 6,727.15	\$ 10.00	\$ 4,150.00		
2e	Temporary Surface	1	LS	\$ 1,800.00	\$ 1,800.00	\$ 1,200.00	\$ 1,200.00	\$ 850.00	\$ 850.00		
2f	Total Bid Item #2				\$ 129,780.00		\$ 132,498.16		\$ 152,026.25		No Bid
3	Polypatch	3,000	Gallon		No Bid	\$ 19.80	\$ 59,400.00		No Bid		No Bid
4	Curb and Brick Repair	439	SY	\$ 23.00	\$ 10,097.00	\$ 24.00	\$ 10,536.00	\$ 35.15	\$ 15,430.85		
4a	Concrete Removal	75	LF	\$ 6.00	\$ 450.00	\$ 5.00	\$ 375.00	\$ 6.45	\$ 483.75		
4b	Saw Cut	835	LF	\$ 25.00	\$ 20,875.00	\$ 25.00	\$ 20,875.00	\$ 43.70	\$ 36,489.50		
4c	Curb and Gutter	18	SY	\$ 64.00	\$ 1,152.00	\$ 60.00	\$ 1,080.00	\$ 85.50	\$ 1,539.00		
4d	Concrete Pavement 6"	94	SY	\$ 68.00	\$ 6,392.00	\$ 60.00	\$ 5,640.00	\$ 87.10	\$ 8,187.40		
4e	Concrete Pavement 8"	1	LF	\$ 26.00	\$ 26.00	\$ 35.00	\$ 35.00	\$ 47.15	\$ 47.15		
4f	Integral Curb	853	SF	\$ 6.50	\$ 5,544.50	\$ 5.00	\$ 4,265.00	\$ 5.80	\$ 4,947.40		
4g	Sidewalk, 4"	1	LF	\$ 15.00	\$ 15.00	\$ 12.00	\$ 12.00	\$ 47.15	\$ 47.15		
4h	Sidewalk Curb	24	LF	\$ 8.25	\$ 198.00	\$ 7.00	\$ 168.00	\$ 12.20	\$ 292.80		
4i	Thickened Edge	253	SY	\$ 105.00	\$ 26,565.00	\$ 99.00	\$ 25,047.00	\$ 120.50	\$ 30,486.50		
4j	Brick Patching Truncated Dome Surface for ADA Ramps	80	SF	\$ 50.00	\$ 4,000.00	\$ 40.00	\$ 3,200.00	\$ 42.05	\$ 3,364.00		
4k	Total Bid Item #4				\$ 75,314.50		\$ 71,233.00		\$ 101,315.50		No Bid

CITY OF HAYS

AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 11

MEETING DATE: 2-26-15

TOPIC:

Economic Development Policy (Revision to CID Policy)

ACTION REQUESTED:

Consider approving the revised Economic Development Policy.

NARRATIVE:

The Commission previously requested comparisons to peer cities in regard to whether or not they place any further restrictions on CID use, such as the required developer investment the City Commission was considering. After discussing the information brought forward, the Commission, at its work session on February 17th, requested that language be added to the CID section of the Economic Development Policy noting that the applicant must detail the proposed method and amount of financing, including any public financial participation, and that the applicant must participate in the project in an amount that is at least 25 percent of the total project cost. The revised policy is now being brought forward for formal approval.

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

Toby Dougherty, City Manager
Paul Briseno, Assistant City Manager

ADMINISTRATION RECOMMENDATION:

N/A

COMMITTEE RECOMMENDATION(S):

N/A

ATTACHMENTS:

Staff Memo
Revised Economic Development Policy
Peer Cities Comparison

Commission Work Session Agenda

Memo

From: Toby Dougherty, City Manager

Work Session: December 30, 2014

Subject: CID Policy Discussion

Person(s) Responsible: Toby Dougherty, City Manager

Summary

After the submission, discussion, and approval of a CID request by the owners of the Hays Mall, the City Commission asked that discussion of the CID Policy be placed on a future work session to determine if further restrictions or requirements should be incorporated into the policy.

Background

Currently, the Community Improvement District (CID) Policy is part of the City's overall Economic Development Policy. The CID Policy states that CIDs are to be used for, "reimbursable expenses in the amount of \$250,000 or greater in order to promote economic development and tourism within the City." When discussing the CID Policy, it was assumed that any applicant wishing to utilize a Community Improvement District would be incorporating CID funds into a much larger project. With the application by the Mall owners, this was not the case.

Discussion

The proposal for utilization of a CID at the Hays Mall did not include any capital input other than revenues created by the Community Improvement District. According to one Commissioner, the applicant had "no skin in the game". This led to a brief discussion by the City Commission on the merits of placing requirements in the Community Improvement District Policy that would limit, by percentage, the amount of a project that could be funded with a Community Improvement District. For example, the language could be stated as follows. "Revenues anticipated from a Community Improvement District may not make up more than ___% of the total project cost."

Legal Consideration

As this is a discussion item only, there are no legal concerns at this time.

Financial Consideration

There are no financial considerations for the City at this time.

Action Requested

City staff is bringing this forward at the request of the Commission and awaits further direction on the subject.

Supporting Documentation

Economic Development Policy

SUBJECT	ISSUED BY	LAST REVISION DATE	CURRENT EFFECTIVE DATE
ECONOMIC DEVELOPMENT POLICY	City Commission	7-11-13	2-26-15

SECTION 1. INTRODUCTION

The City of Hays is interested in encouraging economic activity and the creation of jobs, thereby broadening its tax base and improving the quality of life for its citizens. Further, the use of public funds to stimulate business growth may be necessary or desirable in certain cases. The decision to provide incentives to a business is guided by the expectation that the financial benefits to the City will produce a sufficient return on the City’s investment and that the business will be a good fit for the community. All proposed incentives are subject to a public hearing. Governmental agencies are not eligible for financial incentives under this policy. No elected or appointed officer, employee or committee of the City, Hays Area Chamber of Commerce or Ellis County Coalition for Economic Development employee, board, or other public or private body or individual, shall be authorized to speak for and/or commit the City Commission to the granting of an incentive. This policy is meant to encourage the following:

- A. Research and development-based businesses
- B. High-tech businesses
- C. Environmentally friendly businesses
- D. Expansion of existing industry
- E. Business start-ups
- F. Recruitment of new companies from out-of-state
- G. The retention of businesses which are good corporate citizens that will add to the quality of life in Hays through their leadership and support of local civic and philanthropic organizations.
- H. Training and development of Hays area employees
- I. The establishment of businesses that will be good stewards of the City of Hays’ water sources.

The City Commission reserves the right to deviate from this policy when, in the opinion of the Commission, it is in the best interests of the City to do so.

SECTION 2. DEFINITIONS

“City” means the City of Hays, Kansas.

"Economic development purposes" shall mean the establishment of a new business or the expansion of an existing business, which:

- A. is or will be primarily engaged in any one or more of the Kansas basic industries; or
- B. is or will be primarily engaged in the development or production of goods or the provision of services for out-of-state sale; or
- C. is or will be primarily engaged in the production of raw materials, ingredients or components for other enterprises which export the majority of their products; or

- D. is a national or regional enterprise which is primarily engaged in interstate commerce; or
- E. is or will be primarily engaged in the production of goods or the provision of services which will supplant goods or services which would be imported into the city; or
- F. is the corporate or regional headquarters of an enterprise, which is primarily engaged in out-of-state business activities.

“Environmentally friendly businesses” shall mean:

- Firms with programs or activities that reduce the impact of activities on the environment.
- Businesses that are not damaging to the environment, or directed at preventing environmental damage.

“High-Tech Businesses” shall mean both manufacturing and non-manufacturing businesses that have a great dependence on science and technology innovation that leads to new or improved products or services. High-Tech Business involves intensive use of new scientific and technical knowledge. It is often characterized by reliance on significant inputs of knowledge, depending more on having access to the knowledge produced in universities and other educational institutions. It tends to hire and keep personnel who have advanced skills. High-Tech Businesses are more sensitive to the quality of local universities and other educational institutions as providers of knowledge and education of high-skilled workers and may be more sensitive to local quality of life, encouraging high-skilled workers from elsewhere to be hired. High-Tech Business often has special infrastructure needs, such as broadband communications. Goods and services produced by High-Tech Businesses frequently require a longer development time than ordinary goods and services, requiring some ability to generate equity capital or other “maturing” capital.

“Kansas basic industry” shall mean:

- Agriculture;
- Mining;
- Manufacturing;
- Interstate transportation;
- Wholesale trade which is primarily engaged in multi-state activity or which has a major import supplanting effect within the state;
- Financial services which are primarily engaged in providing such services for interstate or international transactions;
- Business services which are primarily engaged in providing such services to out-of-town markets;
- Research and development of new products, processes or technologies;
- Tourism activities, which are primarily engaged in for the purpose of attracting out-of-state tourists.

As used in these subsections, “primarily engaged” means engagement in an activity by an enterprise to the extent that not less than 51% of the gross income of the enterprise is derived from such engagement.

SECTION 3. INDUSTRIAL ECONOMIC DEVELOPMENT

The City will be selective as to the kinds of industrial businesses (i.e., businesses that are not retail businesses) that are recruited and assisted. In general, the primary objective of the City’s industrial Economic Development Policy is to target new and expanding businesses that are environmentally sound, strengthen our local economy, and demonstrate a need for public financial support in order to locate or expand in Hays. Additionally, the City favors industry that creates high-caliber

employment, such as high-skill, high-wage jobs with increased employee benefits and superior working conditions.

When considering proposals brought before the City, City staff and the City commission shall be cognizant of the investment being made by the business, the risk involved in doing business, and the reputation of the City which is created by decisions that are made.

Examples of available incentives that may be available to industrial businesses may include; Property Tax Abatement, Industrial Revenue Bonds, Job Bounty Program, Tax Increment Financing (TIF), Transportation Development Districts (TDD), Community Improvement District (CID), or other available programs as approved by the Kansas Legislature.

SECTION 4. RETAIL DEVELOPMENT

The purpose of this section is to establish the official policy and procedures of the City for the granting of incentives for new and expanding retail businesses not otherwise addressed within this policy.

The primary objectives of the City in granting incentives to retail businesses for development include the expansion of the sales tax base, general enhancement of quality of life, development as the regional hub for goods and services in northwestern Kansas, and the expansion of the property tax base.

Examples of available incentives that may be available to retail businesses may include; Job Bounty Program, Tax Increment Financing (TIF), Transportation Development Districts (TDD), Community Improvement District (CID), Sales Tax and Revenue Bonds (STAR Bonds), or other available programs as approved by the Kansas Legislature.

A single development requesting additional assistance must also meet all of the following criteria:

- A. The development must be at least 50,000 square feet
- B. Generate \$10,000,000/yr. in retail sales
- C. Employ twenty five (25) or more employees

SECTION 5. ECONOMIC DEVELOPMENT APPLICATION

New or existing businesses that seek financial incentives from the City must file an *Application for Economic Incentives* before their request can be considered. The application shall contain the following information:

- A. Specific information on incentives being requested
- B. Company profile including longevity of company, principal officers, stockholders and clients
- C. Audited financial statements – last five (5) years or since date of incorporation if company has not been in existence for five (5) years
- D. Completed (attached) *Application for Economic Incentives* and *Supplemental Questionnaire*
- E. Business Plan as it relates to the proposed business to be located in Hays
- F. Cost Benefit Analysis (See Section 14)

The City will not consider the granting of any incentive unless the business submits a full and complete application, and provides additional information as may be requested by the City

Commission. The accuracy of the information provided in the application shall be verifiable by the applicant. Any misstatement of or error in fact may render the application null and void and may be cause for the repeal of any resolution adopted in reliance on said information. Applications will not be considered after the issuance of building permits. Refer to Section 6 for application and renewal fee information.

SECTION 6. FEE SCHEDULE

Any individual business requesting any incentive shall pay to the City a nonrefundable application fee of \$1000 plus a deposit of \$5,000.00 to be retained by the City to pay for the City's out of pocket costs associated with the City's review of the application and other actions and agreements associated with the proposed incentive, including but not limited to the City's cost of legal counsel, financial advisors and consultants necessary to evaluate the application and administer the incentive. In the event that costs for third-party services incurred by the City exceed the fee collected, the applicant shall reimburse the City for such additional cost, immediately upon request, but no later than prior to final consideration of the incentive by the Governing Body. The application fee and deposit shall be submitted at the same time the *Application for Economic Incentives* is submitted. At its discretion, the City Commission may consider waiving a portion of the fee or deposit upon request, based upon need. In addition, any business which has been granted an incentive shall pay an annual nonrefundable renewal fee in the amount of \$100.00.

The City requires the use of its designated Bond Counsel and its designated Financial Advisor. The City reserves the right to approve the selection of other necessary participants in the administration of an incentive, including but not limited to, the underwriter and trustee/fiscal agent. The City, at its discretion, may retain additional independent advisors to assist the City in analyzing the merits of the application and in making a determination of its approval at the applicant's expense. Examples of additional advisors include economic or environmental specialists, or a certified public accountant.

SECTION 7. PROPERTY TAX ABATEMENT POLICY

A. Policy.

The grant of property tax abatement will be considered for real and personal property being added to the tax rolls by "Kansas basic industry," in accordance with the provisions set by Article 11, Section 13 of the Constitution of the State of Kansas and the provisions of K.S.A. 12-1740 *et seq.* and K.S.A. 79-201a.

The City may approve for economic development purposes a property tax abatement on real and personal property used exclusively in the following business activities:

- Conducting research and development;
- Manufacturing articles of commerce;
- Storing goods that are sold or traded in interstate commerce;
- Corporate or regional headquarters of a multi-state enterprise which is primarily engaged in activities that take place outside of Kansas;
- High-tech businesses.

B. Abatement Amount and Term.

While Kansas law permits an exemption up to 100 percent of the qualified investment for up to 10 years, it shall be the policy of the City to normally provide property tax abatement and require payments in lieu of taxes (PILOTs) as set forth in the following schedule for portions of a project that meet the economic development goals of the City set forth in Sections 1 and 3 and that qualify for abatement under Kansas law. The abatement level is based on the **higher of the capital investment AND job creation.**

<u>Abatement Level</u>	<u>Capital Investment¹</u>	<u>Job Creation²</u>
<u>Matrix for High-Tech Businesses and Research and Development-Based Businesses</u>		
50% abatement for 10 years	Minimum: \$500,000 Maximum: \$3,750,000	Minimum: 25 Eligible Net New Jobs Maximum: 50 Eligible Net New Jobs
100% abatement for 10 years	>\$3,750,000	>50 Eligible Net New Jobs
<u>Matrix for All Other Business Types</u>		
25% abatement for 10 years	Minimum: \$500,000 Maximum: \$2,500,000	Minimum: 25 Eligible Net New Jobs Maximum: 50 Eligible Net New Jobs
50% abatement for 10 years	Minimum: \$2,500,001 Maximum: \$10,000,000	Minimum: 51 Eligible Net New Jobs Maximum: 125 Eligible Net New Jobs
75% abatement for 10 years	Minimum: \$10,000,001 Maximum: \$30,000,000	Minimum: 126 Eligible Net New Jobs Maximum: 250 Eligible Net New Jobs
100% abatement for 10 years	>\$30,000,000	>250 Eligible Net New Jobs

¹ Capital Investment will be determined by increase in appraised value from the appraised value of the property on the date of the application compared to the appraised value on the January 1 after completion of improvements, all as determined by tax appraisal from the Ellis County Appraiser’s office.

² “Eligible Net New Jobs” means each full-time equivalent job created above the monthly average full-time equivalent employee count for the 12-month period preceding the date of application. In order for a job to qualify as a “Eligible Net New Job,” each job must pay wages greater than 100% of the Region 1 wage average based on the applicant’s 4-digit NAICS code. The number of Eligible Net New Jobs must be reported annually pursuant to Section 15, and if the actual number of Eligible Net New Jobs in any year during the abatement term is less than the Eligible Net New Jobs set forth in the application, the abatement level for the remaining abatement term will be reduced in accordance with the table above.

The abatement term for projects considered under the authority of Article 11, Section 13 of the Constitution of the State of Kansas shall begin in the calendar year after the calendar year in which the business commences its operations locally. The abatement term for projects considered under the authority of K.S.A. 12-1740 *et seq.* and K.S.A. 79-201a shall begin in the calendar year after the calendar year in which industrial revenue bonds are issued.

C. Procedure.

1. Action by the City. The City shall consider granting a tax exemption pursuant to this Policy after receipt of a complete application from the applicant in a form prescribed by the City together with the application fee and deposit. The application shall be submitted in sufficient time for staff to follow established procedures for publication of notice, to review the

project's preliminary site plans and building elevations, to prepare a cost benefit analysis, and to contact the county and the unified school district within which the property proposed for exemption is located. The project's site plans and building elevations are subject to final approval to ensure that they are similar to the preliminary plans and elevations submitted.

Based on each application and such additional information as may be requested by the City, the City shall prepare or cause to be prepared a cost benefit analysis of the proposed exemption on the city and state of Kansas, which analysis shall be used by the Governing Body in considering the request for abatement, and shall be sufficient to meet statutory requirements for obtaining property tax abatement. In making its decision, the Governing Body may also consider any fiscal and/or economic impact analyses performed by the county and the unified school district within which the property proposed for exemption is located.

Prior to formal action on each resolution of intent, the Governing Body shall conduct a public hearing thereon, to be scheduled at least seven days after publication of notice. Notice of the hearing shall also be sent to the Ellis County Clerk's Office and the unified school district within which the property proposed for exemption is located.

Any grant of property tax abatement shall be accompanied by Performance Agreement as set forth in Section 13 of this Policy, and continuing abatement shall be subject to annual review as set forth in Section 15 of this Policy.

All documents necessary to consider granting a tax exemption, including the cost benefit analysis, notice of hearing, and any resolutions or ordinances, shall be prepared or reviewed by the City's Bond Counsel.

2. Action by the State Court of Tax Appeals. If the abatement request is granted, the applicant shall prepare and submit to the City by each February 1, a copy of the abatement application required by K.S.A. 79-213 and 79-210, and the statement required by K.S.A. 79-214 for the cessation of an exempt use of property. The City Clerk shall submit such application and statement to the County Appraiser, who will forward to the Court of Tax Appeals. The City Clerk shall provide a copy of the ordinance, as published in the official city newspaper, granting an abatement from taxation to the applicant for use in filing an initial request for tax abatement as required by K.S.A. 79-213, and by K.S.A. 79-210 for subsequent years. The City expressly notes to applicants that no abatement can be provided without the approval of the State Court of Tax Appeals.

D. Payment of PILOTs.

Any payment in lieu of taxes, which shall be required of a business granted a property tax abatement of less than 100% for 10 years, shall be paid to the County Treasurer, with notice of the amount and date paid provided to the City. The County Treasurer is directed to apportion the payment, under the provisions of subsection (3) of K.S.A. 12-148, to the general fund of all taxing subdivisions, excluding the state, which levy taxes on property where the business is situated. The apportionment shall be based on the relative amount of taxes levied, for any and all purposes by each of the applicable taxing subdivisions. The specific provisions for payment of PILOTs shall be set forth in the Performance Agreement between the City and the applicant.

SECTION 8. INDUSTRIAL REVENUE BOND POLICY

A. Policy.

It shall be the policy of the City to consider the issuance of industrial revenue bonds pursuant to K.S.A. 12-1740 *et seq.* (the “IRB Act”) for the purposes set out in Section 1 of this Policy, and the IRB Act. Industrial revenue bonds may also be issued for the purpose of property tax abatement, as set forth in Section 7 of this Policy.

B. Sales Tax Exemption for Construction Materials.

Labor and materials, as well as equipment purchased with IRB proceeds may be exempt from State and local sales tax. The City reserves the right to grant or deny such sales tax exemption in connection with the issuance of IRBs, to be determined on a case-by-case basis.

C. Cost Reimbursement/Issuance Fee.

The applicant shall reimburse the City for all costs associated with the issuance of bonds, including but not limited to, the cost-benefit analysis, all legal publication notices, application fees to the Court of Tax Appeals, the City’s bond counsel fees and all other miscellaneous costs.

For projects requesting tax abatement in connection with the issuance of industrial revenue bonds, the City shall receive an issuance fee of (i) 25 basis points (.0025) of the first \$10 million par amount of bonds being issued or the amount of constitutional tax abatement being requested, plus (ii) 20 basis points (.002) of the par amount of the second \$10 million of bonds being issued or the amount of constitutional tax abatement being requested, plus (iii) 10 basis points (.001) of the par amount in excess of \$20 million of bonds being issued or the amount of constitutional tax abatement being requested. In no event shall the issuance fee be less than \$1,500 or more than \$100,000. The fee shall be due and payable at the time the bonds are issued.

SECTION 9. COMMUNITY IMPROVEMENT DISTRICT POLICY

A: POLICY STATEMENT

It is the policy of the City to consider the establishment of CIDs for reimbursable expenses in the amount of \$250,000 or greater in order to promote economic development and tourism within the City. An applicant may petition the City to utilize special assessments or a special sales tax to fund projects eligible under the CID statutes. In considering the establishment of a CID, the Governing Body shall consider whether the proposed CID will achieve the economic development purposes outlined in Section 1 of this Policy.

It is the further policy of the City that a CID shall only be established for projects where the applicant/developer pays for the cost of eligible CID improvements (at no cost to the City) and agrees to be reimbursed on a pay-as-you-go basis for such costs from the City’s receipt of CID sales tax revenues or CID special assessment revenues.

The use of CIDs should not alter the requirements of the City’s Economic Development Policy in regard to the development paying for public infrastructure or meeting building codes. When

establishing a CID, special consideration will be given to public benefits. These benefits may include, but are not limited to, strengthening economic development and employment opportunities, reducing blight, enhancing tourism and cultural amenities, upgrading older retail real estate and commercial neighborhoods, and promoting sustainability and energy efficiency.

B: CRITERIA

It shall be the policy of the City to create a CID, if, in the opinion of the Governing Body, it is in the best interest of the City to do so. The Governing Body shall consider the following factors when creating a CID:

1. The project meets the City's economic development goals by expanding existing businesses or develops new businesses described in Section 1 of this Policy, and/or strengthens economic development and employment opportunities, reduces blight, enhances tourism and cultural amenities, upgrades older retail real estate and commercial neighborhoods, and promotes sustainability and energy efficiency.
2. The project uses higher standards for the design of improvements and materials used in making improvements within the CID, compared to the minimum requirements set forth in the City's current design guidelines.
3. The project extends public infrastructure to parts of the City that are not currently served by such infrastructure.

C: PROJECT ELIGIBILITY

1. It is the intent of the City to allow only projects involving capital investment and improvements to qualify for reimbursement. Purchase of consumables, and items or property considered to be operating expenses shall not qualify for reimbursement.

The following projects within the district to acquire, improve, construct, demolish, remove, renovate, reconstruct, rehabilitate, maintain, restore, replace, renew, repair, install, relocate, equip or extend shall be eligible for reimbursement out of the proceeds of the community improvement district sales tax:

- a. Public buildings, structures and facilities, and private not-for-profit museums;
- b. Sidewalks, streets, roads, interchanges, highway access roads, intersections, alleys, parking lots, bridges, ramps, tunnels, overpasses and underpasses, traffic signs and signals, utilities, pedestrian amenities, abandoned cemeteries, drainage systems, water systems, storm systems, sewer systems, lift stations, underground gas, heating and electrical services and connections located within or without the public right-of-way, water mains and extensions and other site improvements;
- c. Parking garages;
- d. Streetscape, lighting, street light fixtures, street light connections, street light facilities, benches or other seating furniture, trash receptacles, marquees, awnings, canopies, walls and barriers;
- e. Parks, lawns, trees and other landscape;
- f. Communication and information booths, bus stops and other shelters, stations, terminals, hangers, rest rooms and kiosks;
- g. Outdoor cultural amenities, including but not limited to, sculptures and fountains;
- h. Private buildings, structures and facilities;

- i. To produce and promote any tourism, recreational or cultural activity or special event, including, but not limited to, decoration of any public place in the district, promotion of such activity and special events;
 - j. To support business activity and economic development, including, but not limited to, development, retention, and the recruitment of developers and businesses;
 - k. To provide or support training programs for employees of businesses.
2. Generally, projects not listed in the foregoing eligibility section shall not be eligible for reimbursement out of the proceeds of a Community Improvement District sales tax. Additionally, the following projects within the district to acquire, improve, construct, demolish, remove, renovate, reconstruct, rehabilitate, maintain, restore, replace, renew, repair, install, relocate, furnish, equip or extend shall be ineligible for reimbursement out of the proceeds of a community improvement district sales tax:
- a. Airports, railroads, light rail and other mass transit facilities;
 - b. Lakes, dams, docks, wharfs, lakes or river ports, channels and levies, waterways and drainage conduits.
 - c. To provide or contract for the provision of security personnel, equipment or facilities for the protection of property and persons for public property, buildings and outdoor spaces.
 - d. To provide or contract for cleaning, maintenance and other services to public property, buildings and outdoor spaces;
 - e. To contract for or conduct economic impact, planning, marketing or other studies related to the district.
 - f. Indoor cultural amenities, including but not limited to, paintings, murals and display cases, which are not located in a private not-for-profit museum;
 - g. To operate or to contract for the provision of music, news, child-care, or parking lots or garages, and buses, minibuses or other modes of transportation;
 - h. To provide or contract for the provision of security personnel, equipment or facilities for the protection of property and persons inside private buildings;
 - i. To provide or contract for cleaning, maintenance and other services to private property;
 - j. The purchase of inventory and/or supplies for use or resale.
 - k. To purchase interior furnishings.
 - l. To purchase advertising or participation and any promotional expenses.
 - m. Any other projects not permitted by state statute, as amended from time to time.

D: METHOD OF FINANCING

The governing body will consider creation of a CID where (1) the costs of CID improvements will be financed on a pay-as-you-go basis from CID sales tax revenues or (2) the costs of CID improvements consisting only of public infrastructure improvements will be financed from CID special assessments. In the instance where public infrastructure CID improvements will be financed from CID special assessments, the City will consider the issuance of special obligation CID special assessment bonds. The City will not issue special obligation or general obligation bonds for CID improvements, other than the limited circumstances set forth in this section. The proposed method of financing will be clearly shown in the petition.

E: PROCESS

The process for creation of a CID shall be as follows:

1. *Petition and Supplemental Information.* An applicant requesting that the City create a CID shall first submit a petition to the City. Such petition shall contain all of the information

required by K.S.A. 12-6a26 *et seq.* and shall contain all of the required signatures of property owners as set forth in the Community Improvement District Act. Such petition shall also contain an agreement by the applicant to pay all out of pocket costs incurred by the City related to the City's review of the petition, including but not limited to the City's cost of legal counsel and financial advisors necessary to evaluate the petition. In addition to the information required by K.S.A. 12-6a26 *et seq.*, applicants must file (a) an Application for Economic Incentives and Supplemental Questionnaire, as provided by the City's Economic Development Policy, (b) a site plan for all public and private improvements to be located within the proposed CID, and (c) a business plan evidencing that the applicant has the financial ability to complete the proposed project in a timely manner and operate the project for the term of the proposed CID. The applicant shall furnish such additional information as requested by the City in order to clarify the petition or to assist staff or the Governing Body with the evaluation of the petition.

2. *Application Fee and Deposit.* The application fee and deposit, as well as any costs and expenses required to be paid by the applicant pursuant to Section 6 may be deemed costs of the improvements, and may be reimbursable to the extent permitted by the Community Improvement District Act and as authorized by the Governing Body.
3. *Timing of Submissions.* The petition and all additional information required by this Policy must be submitted in sufficient time for staff to follow established procedures for publication of notice, to review the project's site plans, and to analyze the merits of the proposed CID in the context of existing economic development and infrastructure projects.
4. *Public Hearing.* Upon receipt of the petition and all additional information required by this Policy, the Governing Body may order a public hearing on the creation of a CID and the imposition of a CID sales tax. The Governing Body shall give public notice and hold such hearing in the manner required by the Community Improvement District Act.
5. *Governing Body Findings; Development Agreement Required.* After the public hearing is conducted, the Governing Body shall determine the advisability of creating a CID pursuant to the Community Improvement District Act. If advisable, the Governing Body may create a CID by adopting an ordinance. Contemporaneously with the adoption of an ordinance creating a CID, the Governing Body shall consider a Development Agreement between the City and the applicant setting forth the specific terms and conditions under which the City will reimburse the applicant on a pay-as-you-go basis for the costs of certain CID Improvements.

F: APPLICANT REQUIREMENTS

1. The applicant shall provide a tax clearance letter from the State of Kansas Department of Revenue to determine and ensure the applicant is compliant with all primary Kansas Tax Laws. An annual submission of the tax clearance from the State of Kansas Department of Revenue is required.
2. If a CID is created, the applicant must complete an annual report by March 1 of each year covering the previous calendar year.
3. If a CID is created, the applicant must agree in the Development Agreement to pay to the City an annual administrative fee equal to 0.5% of the annual CID revenue generated within the CID, to cover the administration and other City costs related to the CID. This fee is in

lieu of the annual renewal fee of \$100.00 set forth in the City's Economic Development Policy for other economic development incentives.

G: PAYMENT OF CERTAIN COSTS

The City shall require the applicant to enter into a funding agreement or other evidence of the applicant's agreement to pay costs incurred by the City for additional legal, financial and/or planning consultants, or for direct out-of-pocket expenses and other costs relating from services rendered to the City to review, evaluate, process and consider the petition for a CID, as well as the continued maintenance of the escrow account for CID revenues and for the processing of payments of CID eligible costs. Such costs and expenses may be deemed costs of the project, to the extent permitted by the Community Improvement District Act.

H: Financial and Fiscal Impact.

The applicant must detail the proposed method and amount of financing, including any public financial participation requested. The applicant must financially participate in the project in an amount that is at least 25 percent of the total project cost.

I: AUTHORITY OF GOVERNING BODY

The Governing Body reserves the right to deviate from any policy when it considers such action to be of exceptional benefit to the City or extraordinary circumstances prevail that is in the best interests of the City. Additionally, the Governing Body, by its inherent authority, reserves the right to reject any proposal or petition for creation of a CID at any time in the review process when it considers such action to be in the best interests of the City.

SECTION 10. RURAL HOUSING IMPROVEMENT DISTRICT POLICY

A: POLICY STATEMENT

It is the policy of the City to consider the establishment of a RHID for a development containing a minimum of ten renter occupied low-income or income-qualified units. It is the further policy of the City that a RHID shall only be established for projects where the applicant/developer pays for the cost of eligible RHID improvements (at no cost to the City) and agrees to be reimbursed on a pay-as-you-go basis for such costs from the City's receipt of RHID revenues.

B. CRITERIA

It shall be the policy of the City to create a RHID, if, in the opinion of the Governing Body, it is in the best interest of the City to do so. The Governing Body shall consider the following factors when creating a RHID:

1. Assure taxpayers that the City is not financing an already viable project.
2. Assure taxpayers that the City is not financing an unreasonably high profit margin for developers. Each developer will be required to submit a detail of development costs and net operating income including an Internal Rate of Return to be compared to the market for reasonableness.
3. Assure taxpayers that the development provides the City safeguards committing the developer to complete the project.

The Development Plan required by statute for each project must determine that the incremental ad valorem property tax revenues generated by the RHID, together with other funds committed by the Developer, will cover the estimated eligible costs of the project. All Development Plans must assume that the initial estimated incremental property tax revenues will remain flat over the term of the RHID (i.e., no plan may assume increasing incremental property tax revenues will be available to cover project costs).

All development requests must utilize drought tolerant landscaping and water efficient fixtures in order to minimize impact on water resources. City staff will provide the necessary guidance.

C: ELIGIBLE COSTS

It is the intent of the City to allow only the following development expenditures within a RHID to qualify for reimbursement out of RHID revenues:

1. Acquisition of property within the RHID
2. Payment of relocation assistance
3. Site Preparation
4. Sanitary and storm sewers and lift stations
5. Drainage conduits, channels and levees
6. Street grading, paving, curbs and gutters
7. Street lighting
8. Underground public and limited private utilities, all located within the public right-of-way
9. Sidewalks
10. Water mains and extensions

D: METHOD OF FINANCING

The governing body will consider creation of a RHID where eligible costs will be financed on a pay-as-you-go basis from incremental ad valorem tax revenues generated within the RHID. The City will not issue special obligation bonds for RHID improvements.

E: PROCESS

The process for the creation of an RHID District shall be as follows:

1. *Application and Supplemental Information.* An applicant requesting that the City create a RHID must file:
 - a. an Application for Economic Incentives and Supplemental Questionnaire, as provided by the City's Economic Development Policy,
 - b. a Housing Needs Analysis meeting the requirements of K.S.A. 12-5244(a) and the guidelines of the Kansas Department of Commerce, and incorporating the findings contained in the Current Hays Housing Assessment.
 - c. a Development Plan meeting the requirements of K.S.A. 12-5245, and
 - d. a business plan evidencing that the applicant has the financial ability to complete the proposed project in a timely manner and that the project meets the criteria for establishment of a RHID, as set forth in this Policy.

The applicant shall furnish such additional information as requested by the City in order to clarify the application or to assist staff or the Governing Body with the evaluation of the application.

2. *Application Fee and Deposit.* The application fee and deposit as well as any costs and expenses required to be paid by the applicant pursuant to Section 6 of the Economic Development Policy are not reimbursable pursuant to the Rural Housing Incentive District Act. The applicant will pay all out of pocket costs incurred by the City related to the City's review of the application, all documents related to consideration of a RHID and the development agreement, including but not limited to the City's cost of legal counsel and financial advisors necessary to evaluate and create the proposed RHID.
3. *Timing of Submissions.* The application and other information required by this Policy must be submitted in sufficient time for staff to follow established procedures for publication of notice, to review the submitted documents and analyze the merits of the proposed RHID in the context of existing economic development policy.
4. *Secretary of Commerce Approval.* If the Governing Body determines that it is in the best interest of the City to approve the the Housing Needs Analysis and move forward with the proposed Development Plan, the Governing Body shall adopt a resolution approving the Housing Needs Analysis and submit such analysis to the Kansas Secretary of Commerce for approval. If the Secretary of Commerce agrees within the findings of the Governing Body set forth in such resolution, the Governing Body may proceed with the establishment of an RHID.
5. *Development Agreement.* Upon receipt of approval from the Secretary of Commerce, but before the Governing Body takes further action with respect to the creation of the RHID, the City and the Developer shall negotiate a development/performance agreement to implement the proposed Development Plan and including the requirements of this Policy, including particularly the requirements of Section 14 of this Policy related to Performance Agreements.
6. *Public Hearing.* When the Development Plan, a draft Development Agreement, and all additional information required by the RHID Act and this Policy are ready to be presented to the Governing Body the Governing Body will consider adopting a resolution ordering a public hearing on creation of the RHID and adoption of the plan. The Governing Body shall give such notice and hold such hearing in the manner required by the RHID Act.
7. *Governing Body Findings.* After the public hearing is conducted, if advisable, the Governing body may create an RHID district by adopting an ordinance creating the district, adopting the Development Plan, and approving the Development Agreement.

F: PAYMENT OF CERTAIN COSTS

The City shall require the applicant to enter into a funding agreement or other evidence of the applicant's agreement to pay costs incurred by the City for additional legal, financial and/or planning consultants, or for direct out-of pocket expenses and other costs relating from services rendered to the City to review, evaluate, process and consider the request for RHID. Such

costs and expenses are the applicant's sole responsibility, and are not generally reimbursable pursuant to the RHID Act.

G: AUTHORITY OF THE GOVERNING BODY

The Governing Body reserves the right to deviate from any policy when it considers such action to be of exceptional benefit to the City or extraordinary circumstances prevail that is in the best interests of the City. Additionally, the Governing Body, by its inherent authority, reserves the right to reject any proposal or request for the creation of an RHID at any time in the review process when it considers such action to be in the best interest of the City or whenever, in the opinion of the City Commission sufficient properties are already available for the type of development being considered.

I: REVIEW

The RHID policy will be in place as long as there is a need for low-income and income-qualified housing. The City expects the Housing Needs Assessment will be updated every three to five years.

SECTION 11. JOB BOUNTY PROGRAM

The Job Bounty Program of the City is to encourage new and/or existing businesses to hire employees. To participate in the Job Bounty Program, a prospective employer must agree to hire at least ten (10) full-time employees at an hourly wage of no less than \$10.00/hr. For the purpose of this program, a full-time employee is one that works forty (40) hours per week or two thousand eighty (2080) hours per year. Anything below these levels will be considered part-time and will not be eligible for benefits under this program.

For those employers creating ten (10) or more full-time jobs paying no less than \$10.00/hr., the Job Bounty Program, subject to the City's budgetary limitations, shall receive the following:

1. For each full-time position created paying no less than \$10.00/hr. base salary, not including employee benefits, tips, commissions, bonuses, or other incentives, the City will pay to the employer \$1,000 per job provided that funds shall be paid in 20% increments over a five (5) year period. The employer will be required to provide, at the end of each year, in order to receive Job Bounty funds for that year, an audited payroll showing those ten (10) or more jobs were filled throughout the one year period.
2. For full-time jobs exceeding \$15.00/hr base salary, not including employee benefits, tips, commissions, or other incentives, the City will pay \$1500 per job on the same basis as noted previously including creation of a minimum of ten (10) jobs per company per agreement.

No Job Bounty proceeds will be paid for the creation of jobs that do not meet established hour and wage requirements as outlined above. It is specifically noted that an employer will apply for a specified number of jobs with the initial application. If the employer creates less than the number of jobs included in the application, no Job Bounty funds will be distributed. Job Bounty funding is allocated on a one-time occurrence per company. Retroactive funding activities, as stated in Section 17 of this policy, are not allowed under this policy.

No jobs may be created, or employees hired, under Job Bounty application until formal review by the City Manager's Office and formal approval has been given by the City Commission subject to all of the activities contained in this policy.

SECTION 12. MEMORANDUM OF UNDERSTANDING

Authority to issue memorandums of understanding to consider requests for economic development incentives shall lie only with the City Commission. Such memorandums of understanding shall only be issued by the City Commission, and as an expression of good faith intent, but shall not in any way bind the City to the granting of an incentive. Such memorandums of understanding shall expire six months after issuance, but may be renewed. A public hearing shall not be required prior to the issuance of memorandums of understanding.

SECTION 13. NOTICE AND HEARING

No incentive shall be granted by the City prior to a public hearing thereon. Notice of the public hearing shall be published at least seven days prior to the hearing in the official city newspaper, giving the time and place, and the hearing may be held at a regular or special meeting of the City Commission. The City Manager shall thereupon notify the Ellis County Commissioners, the superintendent of the appropriate school district, and the clerk of any taxing jurisdiction, excluding the state, which derives or could derive property taxes from the affected business advising them of the scheduled public hearing and inviting their review and comment. Upon request, the City Manager shall provide any such public agency with a copy of the application, which shall remain confidential unless released by the City Commission. The applicant business shall be invited, but not required, to attend the public hearings.

SECTION 14. PERFORMANCE AGREEMENT

Any incentive granted pursuant to this policy shall be accompanied by a Performance Agreement between the applicant and the City, which shall include provisions governing the situation if an applicant fails to meet the wage, number of jobs, and/or capital investment projections set forth in the original application. Each incentive shall be reviewed annually. The City Commission shall receive the annual review report, and if the City Commission determines that a business or project is not in compliance with the provisions of the Performance Agreement, then the incentive may be modified pursuant to the Performance Agreement as the City Commission deems appropriate. Modifications to the incentive may include, but are not limited to, termination of the incentive, reduction of any incentive (including but not limited to reductions in tax abatement due to failure to meet requirements as set forth in Section 7) and claw-back of any existing incentive. To the extent necessary, the County Appraiser and the State Court of Tax Appeals shall be notified of appropriate actions to modify any incentive.

SECTION 15. COST BENEFIT ANALYSIS

The Cost Benefit Analysis will offer a wide spectrum of information as it pertains to development, the adequacy, or inadequacy of, financial incentives, and finally, the net gain, current and future, of entering into these types of endeavors on behalf of the citizens of the City. The Cost Benefit Analysis should address the following items:

1. **DIRECT COSTS TO THE CITY.** Any identified direct cost should be included in the analysis. Examples of these types of costs include municipal infrastructure to the business site, and costs of providing city emergency services such as fire and police protection.
2. **BENEFIT TO THE CITY.** Direct benefits include wages/salaries/benefits paid to employees, any taxes collected (property, sales, franchise fees), purchases of products/services from local vendors.
3. **COST VERSUS BENEFIT.** From a community perspective, incentives are used because a net benefit is expected. A desired benefit to cost ratio must be at least in the 1.25:1 ratio. Proposed economic development projects that achieve this benchmark traditionally employ a higher proportion of local labor, including managers, at an above-average hourly wage.

This analysis should identify the particulars involving the developer's proposal. This should include confirmation of the size of the store, financial information, number of employees, pay scale, tax collections, and other areas involving development. The developer is responsible for the development of this analysis including any cost incurred.

SECTION 16. ANNUAL REVIEW FOR COMPLIANCE

All incentives granted shall be subject to an annual review to ensure that the ownership, use of property, and the economic performance of the business, including the capital investment, employment, and wages, are pursuant to requirements and criteria of this policy, the application, and the conditions of the granting of incentives. The review shall also include a comprehensive review of the entire incentive period for the business (if applicable), including milestones and project phases for the business. The annual review shall provide an opportunity for the company receiving the incentive to describe their achievements, especially in the areas of environmentally sound practice, community engagement and services, and job training. If the business:

- A. no longer qualifies for the incentive pursuant to law or this policy;
- B. substantially fails to meet the expectations set forth in the application for an incentive, including failure to meet employment, wage, or capital investment plans in the application; or
- C. substantially fails to meet the criteria or objectives of this policy;

the City Commission, after notice and a public hearing, may modify any incentive by ordinance or resolution.

The City reserves the right to issue any level of penalties that it deems necessary. These may include; 1) rescissions, which is a complete cancellation of the incentive, 2) penalties, which are fines charged when the business does not meet a certain level of performance or relocates, and finally, 3) recalibrations, which are the provisions for changing the incentive in some manner in order to accommodate an evolving economic climate. The use of these tools will provide a safety net to the community, ensuring that its investment in the business will result in the positive benefits it expects.

Each business receiving an incentive shall be required to complete an annual report by March 1. The information in the report will cover the time period of January 1 through December 31 of the previous year. The annual report will be reviewed by May 1.

By May 1 of each year, an annual report listing all financial incentives that remain in effect will be presented to the City Commission. The annual report shall include information regarding when the incentive was granted, when the incentive expires, current property taxes paid for the property, in lieu of tax payments, amount of any industrial revenue bonds issued, the assessed value of the property, number of employees, salary and payroll of employees, and any additional information concerning the operation of the business receiving the incentive, and other information as requested by the City Commission.

The failure of a business (a) to provide accurate and timely information to the City in the preparation of the annual report or (b) to comply with the performance standards set forth in the Performance Agreement, shall be grounds for the modification or revocation of the incentive granted.

The City may require an annual renewal application to be filed or other information necessary to assure the continued qualification of the exempt business. Any material omission or misstatement of fact in information provided to the City in any such statement or renewal application may be cause for repeal of any incentive ordinance adopted, renewed or extended in reliance thereon.

SECTION 17. TRANSFER OF OWNERSHIP OR USE

Incentives granted by the City may be transferred as a result of a change in the majority ownership of the business. Any new owner shall file a new application, along with the renewal fee, for an incentive. The City shall be notified by the business of any change in ownership and any substantive change in the use of a tax exempt property.

SECTION 18. RETROACTIVE GRANTING OF INCENTIVES; “BUT FOR” PRINCIPLE

No incentives, including the granting of Job Bounty funding, will be distributed on a retroactive funding basis. Incentives will be granted pursuant to the guidelines of this policy and effective on the date indicated and approved by the City Commission.

Each application for incentive shall demonstrate that the incentive will make such a difference in determining the decision of the business to locate, expand or remain in the City that the business would not otherwise be established, expanded or retained without the availability of the abatement.

SECTION 19. WAIVER OF STATEMENT REQUIREMENTS

The City Commission reserves the right to grant or not to grant an incentive under circumstances beyond the scope of this Statement, or to waive any procedural requirement. However, no such action or waiver shall be taken or made except upon a finding by the City Commission that a compelling or imperative reason or emergency exists, and that such action or waiver is found and declared to be in the public interest.

SECTION 20. AMENDMENTS

The City Commission of the City retains the right to amend any portion of this policy as needed.

SECTION 21. TAX CLEARANCE CERTIFICATION

Any person, company, or entity receiving economic incentives under this policy must provide a Tax Clearance Certificate from the State of Kansas Department of Revenue on an annual basis prior to December 31. The Tax Clearance Certificate requirement will be in effect until such time that incentives are no longer being utilized.

SECTION 22. MANDATORY REVIEW

This policy will be subject to a mandatory review by the City Commission every three years.

COMMUNITY IMPROVEMENT DISTRICT POLICY
PEER CITIES COMPARISON

CITY	% DEVELOPER REQUIREMENT	CID POLICY	CID USE RESTRICTIONS	USE	SALES TAX RATE	NOTES
Great Bend	NO	NO	Follows State Statute	Sutherlands	1.00%	
				Golden Belt Cinema 6	2.00%	
Hays	NO	YES	YES	Holiday Inn	2.00%	
Garden City	NO	NO	Follows State Statute	Hotel, Water Park, Od Chicago, Small Retail Center	1.00%	
Dodge City	NO	NO	Follows State Statute	IHOP	1.00%	
Junction City			(no response)	Goody's Plaza	1.75%	
Lenexa	NO	YES	Follows State Statute	Greystone South Plaza	1.00%	See explanation
				Orchard Corners	1.00%	
				Prairie Creek	1.00%	
				Quivira 95	1.00%	
Mission			(no response)	Crossing	1.00%	
Prairie Village	NO	NO	Follows State Statute	Corinth Square	1.00%	
				The Village	1.00%	
Hutchinson	NO	YES	Follows State Statute	Fairfield Inn	2.00%	Requires Sign to note additional sales tax collection at site.
				Hobby Lobby/Orschlen	1.00%	
				Mall Out lot	1.00%	
Salina	YES	YES	Follows State Statute	NONE		25% investment required, minimum of \$500,000 in area of decline & \$1 million elsewhere. Allows more than Hays. Allows GO Bonding & Special Assess
Pittsburg	YES	NO	YES	NONE		Req 40% developer investment
Emporia	NO	YES	Follows State Statute	Initial underway for CBD hotel/Convention		Contribute equity or private financing of at least 20%

**List does not include TDD or STAR sales tax projects/policies or other incentives such as TIF, etc*

Lenexa

CRITERIA

The Governing Body shall consider establishment of a CID when it determines it is in the best interest of the City and provided the Project meets one or more of the following criteria:

1. Furthers an identified Governing Body goal.
2. Attracts and promotes mixed use development.
3. Has unique site constraints making development more difficult and costly.
4. Substantially promotes economic development, investment or reinvestment in the community.
5. Incorporates higher standards for the design and construction of improvements than the minimum Code required standards.
6. Utilizes LEED construction with the businesses located therein using sustainable best practices.
7. Encourages retail projects that enhance the retail base by either attracting new sales or capturing sales moving to other markets.
8. Encourages or enhances public transportation opportunities.
9. Provides for the construction of facilities that promote tourism or enhance the quality of life within the City.
10. Incorporates construction of public infrastructure.

FINANCE TEAM CONSIDERATION

The Finance Team shall review each application and petition and make its recommendation for approval to the Governing Body. In determining whether or not to recommend approval of a CID petition and the method of financing, the Finance Team will review and evaluate the following:

1. Whether or not creation of a CID meets one or more of the criteria set forth in GB05-I-4A;
2. The total development costs and investment, including estimated Project costs for which public financing is sought;
3. Sources of funding, including the amount of equity funding in comparison to public financing;
4. Similar experience and financial stability of Developer;
5. Whether or not tenants for the Project are in place and the nature and quality of the tenants;
6. Economic competition the Project has and is expected to have in the future;
7. The amount and purpose of the funding request, including the percentage of funding for capital costs; operational costs; and public costs.
8. If bonds are requested, the projected debt service coverage from projected revenues; any additional security pledged by the Developer; and the marketability of the bonds; and
9. Whatever other factors or considerations the Finance Team believes the Governing Body would find relevant to its decision.

Hutchinson

SIGNAGE REQUIREMENT FOR CID SALES TAX

Upon establishment of a CID utilizing sales tax as the source of CID revenue, each business shall have a sign prominently displayed at each public entrance for the duration of time that the CID sales tax is collected. The sign shall be a minimum size of 8.5 inches by 5.5 inches with a font size of at least 28. The sign shall at a minimum contain the following:

“This project made possible by Community Improvement District Financing. Additional Community Improvement District sales tax of ____% is collected here.

Salina

Financial and Fiscal Impact.

The applicant must detail the proposed method and amount of financing, including any public financial participation requested. The applicant must financially participate in the project in an amount that is at least 25 percent of the total project cost.

PROJECT FINANCING

CID financing is available in the minimum amounts of \$ 500,000 for an Area of Change and 1, 000,000 for an area outside of an Area of Change. Off-site public infrastructure enhancements beyond those typically required for development purposes may account for up to 10% of total costs, provided that they are adjacent to or nearby the project site and contribute to the success of the project. Where applicable, it is the intent of this policy that project costs be allocated between sales tax generators and non-generators as equitably as possible, though the CIO boundaries need not include all property that will benefit from the project.

Pittsburg (DRAFT)

Whether public incentives in addition to CID incentives have been approved or have been requested for the proposed redevelopment project. It is the Governing Body's policy not to provide public financing where total public financing sources for a proposed redevelopment project would exceed 40% of the total project costs. The Governing Body may consider the creation of a CID which exceeds this percentage of public participation when, in the opinion of the Governing Body and at its sole discretion, the proposed CID projects would be of a unique and extraordinary benefit to the City.

CITY OF HAYS
AGENDA ITEM COVER SHEET

COMMISSION AGENDA ITEM NO. 12

MEETING DATE: 2-26-15

TOPIC:

Resolution Opposing Senate Bill 171

ACTION REQUESTED:

Consider approving Resolution No. 2015-004 opposing the Kansas State Legislature's consideration of making municipal elections partisan and moving to the fall of even numbered years.

NARRATIVE:

N/A

PERSON/STAFF MEMBER(S) MAKING PRESENTATION:

City Commission

ATTACHMENTS:

List of Cities that have Passed Resolutions
Memo from Senate Committee on Ethics and Elections
Talking Points
Resolution No. 2014-004
Senate Bill No. 171

Cities that have Passed Resolutions in Opposition to Senate Bill 171

Dodge City

Coffeyville – Plan to pass on 2-24-15

Goddard

WaKeeney

Sterling

Garden City

McPherson

Hutchinson

Ottawa

Arkansas City

Maize

Colby

Overland Park

Hillsboro

Lyndon

Beloit

Wellington

Pittsburg

Osawatomie

Augusta

Junction City

Greensburg

De Soto



TO: Senate Committee on Ethics and Elections
 FROM: Michael Koss, Legal Counsel
 Date: February 11, 2015
 RE: Opposition Testimony – SB 171

Thank you for allowing the League of Kansas Municipalities to submit testimony on Senate Bill 171. The League opposes this bill because it would diminish the ability of citizens to focus on local issues and take away local control of city elections.

Competition with Other Elections Diminishes Focus on Local Issues

Creating an election environment that makes it harder to focus on individual races is not good public policy, and that is why the vast majority of American cities hold off-cycle elections. Right now, because local elections are the only elections happening in the spring, local newspapers and other media outlets are covering the issues that are important in local communities. Research indicates that decreasing attention on local races affects results. Combining elections actually increases the incumbency rate of local candidates because the large number of races on the ballot causes voters to pick the names they recognize.¹

Additionally, time-strapped county officials will be less able to inform local candidates about filing deadlines, campaign finance laws, statements of substantial interest, and other information. Finally, combining elections would make it more difficult for local candidates to raise money, schedule forums and debates, and find room in cluttered yards for their campaign signs.

Partisan Elections Limit Candidates, Create Divisiveness

The federal Hatch Act and Department of Defense Directive 1344.10 prohibit federal employees and active duty military from participating in partisan elections. Due to these restrictions, making local elections partisan would narrow the potential field of candidates for municipal offices. The League has identified a number of dedicated public servants who would be adversely affected by such a change. When all levels of government frequently struggle to find citizens willing to serve, why would we further reduce the pool of potential candidates?

There are several other problems with making city elections partisan. Most Kansans do not want to see party politics inserted into our local governments. Kansas municipalities reflect their residents' will, and creating additional divisions amongst governing bodies will not serve the interest of our communities.

Finally, primary voters who are non-affiliated with the two major parties are required to receive separate ballots for partisan and non-partisan races. This causes confusion amongst voters and election workers. Such confusion would only increase with a move to partisan municipal elections.

Increase Ballot Length

If elections were combined, counties would likely have to distribute two ballots to each voter. This will increase the likelihood of error, ballot fatigue, and under-voting. The percentage of voters who vote on races decreases as you move down a ballot, and adding city and other races to the same ballot will only compound that problem. The administrative challenges of combining elections onto one ballot are so complex that the Secretary of State has

said that the only way to successfully implement combined elections is by making local races partisan and replacing wards with at-large districts.

Better Options to Increase Voter Turnout

There are a number of alternative policies the legislature could implement to increase turnout in city elections without distorting election results, prohibiting active duty military and federal employees from running, and creating overly-complex ballots. For example, all-mail ballot elections for local races would substantially increase voter turnout, benefit taxpayers by decreasing the cost of election administration, and eliminate the effect of bad weather on Election Day turnout. Investigating mail-ballot elections and other alternatives is preferable to enacting flawed legislation.

Little to No Cost-savings

The Secretary of State, the Kansas Association of Counties, and several county clerks and election commissioners have stated that combining elections will likely save little to no money. Expenses will simply shift from one election period to another, and increased ballot complexity will require longer ballots, and potentially additional poll workers and polling places.

Removes Statutes for Commission-Manager Form of Government

SB 171 appears to repeal the state statutes establishing the commission-manager form of government. These laws have been in place since 1917, and over thirty cities continue to utilize these statutes to govern the relationship between the commission and city staff. Repealing these laws will force dozens of cities to alter decades of ordinances to reauthorize their current form of government.

No Answer to Transitional and Procedural Questions

This bill does not address the transitional issues it will cause for Kansas's 626 cities. The proposed bill appears to force many elected city officials to serve shorter or longer terms than for which they were elected. Such a move encroaches upon the democratic decisions made by Kansas communities. Additionally, amending all of the ordinances currently in place to adapt to combined elections will result in substantial publication costs for cities.

For all these reasons, the League of Kansas Municipalities asks on behalf of its members that this committee not report SB 171 favorably for passage.

ⁱ Oliver, J. Eric and Shang E. Ha. 2007. "Vote Choice in Suburban Elections," *American Political Science Review*. 101 (3):393-408; *also see* Trounstine, Jessica. "Information, Turnout, and Incumbency in Local Elections." Princeton University. FN 30. <http://www.princeton.edu/csdp/events/Trounstine020509/Trounstine020509.pdf>.

Talking Points – Moving Elections

The legislature is considering changes in the law governing municipal elections. Currently, most municipal elections are held in the spring, while proposals would move them to the fall and/or make them partisan. The League of Kansas Municipalities believes the current structure, which provides cities the flexibility to address the preferences of their citizens, is preferable to changes proposed by the legislature. Concerns of the League and its members include:

Competition with Other Elections

- Combining elections would make it more difficult for local officials to raise money, schedule forums and debates, and find room in cluttered yards for their campaign signs. Right now, because local elections are the only elections happening in the spring, local newspapers and other media outlets are covering the issues that are important in local communities. That is why the vast majority of American cities hold off-cycle elections.
- Research indicates that combining elections increases the incumbency rate of local officials because the large number of races on the ballot causes voters to just pick the names they recognize. Creating an election environment that makes it harder to focus on individual races is not good public policy.
- Time-strapped county officials will be less able to inform local officials about filing deadlines, campaign finance laws, statements of substantial interest, and other information.
- Adding city, school, and other jurisdictional boundaries to already confusing voting precincts would increase the opportunity for voters to go to the wrong polling place.

Moving to Partisan Elections

- The federal Hatch Act and Department of Defense Directive 1344.10 prohibit federal employees and active duty military from participating in partisan elections. Due to these restrictions, making local elections partisan would narrow the potential field of candidates for municipal offices. The League has identified a large number of dedicated public servants who would be adversely affected by such a change.
- Primary voters who are non-affiliated with the two major parties are required to receive separate ballots for partisan and non-partisan races. This causes confusion amongst voters and election workers. Such confusion would only increase with a move to partisan municipal elections.

Transitional and Procedural Questions

- The proposed bills would force all 3,812 elected city officials to serve shorter or longer terms than for which they were elected. Such a move encroaches upon the democratic decisions made by Kansas communities.
- Amending all of the ordinances currently in place to adapt to combined elections will result in substantial publication costs for cities.

Ballot Length

- If elections were combined, counties would likely have to distribute two ballots to each voter. This will increase the likelihood of error, ballot fatigue, and under-voting. The percentage of voters who vote on races decreases as you move down a ballot, and adding city, school board, and other races to the same ballot will only compound that problem.
- Combining elections would also increase the number of ballot styles used during each election. Many election officers have said such an increase would be unmanageable.

- The Secretary of State has said that the only way to successfully administer combined elections is by making local races partisan and replacing wards with at-large districts. Citizens should control how they are represented on their local governing bodies.

Little to No Cost-savings

The Secretary of State, the Kansas Association of Counties, and several county clerks and election commissioners have testified that moving elections will likely save little to no money:

- Expenses will simply shift from one election period to another.
- If local elections are held concurrent with state elections, ballot complexity will require longer ballots, and potentially additional poll workers and polling places.

Elections Currently Tailored to Local Preferences

Current law provides flexibility for communities to structure their local elections to reflect local preferences in a variety of ways:

- Frequency – Communities we have surveyed hold elections annually, every two years or every four years.
- Length of Terms – Some communities choose two-year terms for governing body members, while others prefer four years terms for greater continuity on those bodies.
- Staggered Terms – Most communities stagger the terms of their governing body members, ensuring continuity by not having the entire governing body turn over in a single election.
- Wards – Some cities in Kansas (mostly larger), use a system of wards to ensure representation from all portions of the community.

Opportunity for Other Public Elections

- Odd-year elections are often used as a vehicle to decide sales tax issues, bond issues, and other issues that require an election by a public vote, in order to avoid paying for an additional special election. Eliminating that opportunity virtually guarantees an increase in special elections, making it difficult for cities and counties to budget for election costs.

Better Options to Increase Voter Turnout

There are a number of alternative policies the legislature could implement to increase turnout in city elections without distorting election results, prohibiting active duty military and federal employees from running, and creating overly-complex ballots. For example, all-mail ballot elections for local races would substantially increase voter turnout, benefit taxpayers by decreasing the cost of election administration, and eliminate the effect of bad weather on election day turnout. Investigating mail-ballot elections and other alternatives is preferable to enacting flawed legislation.

RESOLUTION NO. 2015-004

A RESOLUTION OF THE CITY OF HAYS, KANSAS, OPPOSING THE KANSAS STATE LEGISLATURE'S CONSIDERATION OF MAKING MUNICIPAL ELECTIONS PARTISAN AND MOVING TO THE FALL OF EVEN NUMBERED YEARS.

WHEREAS, the Senate Ethics and Elections committee of the Kansas Legislature originally considered SB 171, which would make nonpartisan city and school elections partisan and move to the fall of even numbered years to be held in conjunction with state and federal elections; and,

WHEREAS, the City feels that said legislation would unnecessarily interfere with local elections and would create the likelihood that local issues would be lost or ignored by voters during the course of large scale federal and state partisan elections; and,

WHEREAS, the City has concerns its issues would be relegated to the bottom of the ballot if placed with state and national elections leading to voter apathy with regards to said local issues; and,

WHEREAS, the City has concerns that partisan elections will harm the quality of city governments in Kansas and prohibit federal employees and active duty military from running for local office; and,

WHEREAS, the City is opposed to moving its elections to the fall of even numbered years.

THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF HAYS, KANSAS:

The City of Hays officially opposes SB 171 or any other legislation that moves local elections to the fall of even numbered years to be held in conjunction with state and federal elections.

ADOPTEED by the governing body of the City of Hays, Kansas on this
26th day of February, 2015.

Henry Schwaller IV, Mayor

Attest:

Brenda Kitchen, City Clerk

SENATE BILL No. 171

By Committee on Ethics and Elections

2-9

1 AN ACT concerning elections and voting; relating to certain
2 municipalities and special districts; amending K.S.A. 2-623, 12-344,
3 12-363, 13-1220, 13-1221, 19-2680, 19-2760, 19-3505, 19-3507, 24-
4 504, 25-202, 25-209, 25-210, 25-212, 25-610, 25-1115, 25-2006, 25-
5 2007, 25-2010, 25-2014, 25-2017, 25-2018, 25-2022, 25-2023, 25-
6 2107, 25-2109, 25-2113, 25-2115, 25-2120, 25-2502, 25-2804, 25-
7 3503, 71-1408, 71-1412, 71-1413, 71-1414, 71-1419, 72-8008 and 80-
8 2508 and K.S.A. 2014 Supp. 2-624, 24-412, 24-414, 24-459, 24-506,
9 25-205, 25-213, 25-611, 25-618, 25-1122, 25-2020, 25-2102, 25-2108a,
10 25-2110, 25-2311, 25-3801 and 42-706 and repealing the existing
11 sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003, 12-1004,
12 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-
13 1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006,
14 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-
15 1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-
16 1022, 12-1023, 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-
17 1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-
18 1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f,
19 12-1036g, 12-1036h, 12-1037, 12-1038, 19-2762 and 71-1417.
20

21 *Be it enacted by the Legislature of the State of Kansas:*

22 New Section 1. (a) On and after January 1, 2016, all primary elections
23 for members of the governing body and other elected officials of any
24 municipality shall be held on the first Tuesday in August of 2016 and on
25 such date thereafter of even-numbered years, and all general elections for
26 members of the governing body and other elected officials of any
27 municipality shall be held on the Tuesday succeeding the first Monday in
28 November of 2016 of even-numbered years and on such date thereafter.

29 (b) The term of members of governing bodies and other elected
30 officials of any municipality that would expire at any time in 2016 shall
31 expire on the second Monday in January, 2017, when newly elected
32 members of the governing body and other newly elected officials shall
33 take office. The governing body of the municipality shall establish by
34 ordinance or resolution terms of office of elected officials to comply with
35 this act.

36 (c) Primary elections for any municipality shall be conducted as

1 provided in K.S.A. 25-202, and amendments thereto. A primary election
2 shall only be required as provided in K.S.A. 25-2021, and amendments
3 thereto, and K.S.A. 25-2108a, and amendments thereto.

4 (d) The filing deadline for all candidates for any municipality, unless
5 otherwise provided by law, shall be as provided in K.S.A. 25-205, and
6 amendments thereto.

7 (e) Any person who meets the qualifications for the office sought may
8 become a candidate for municipal office by filing a declaration of intent to
9 become a candidate with the county election officer accompanied by a
10 filing fee of \$20.

11 (f) All elections for officers of municipalities shall be on a partisan
12 basis.

13 (g) "Municipality" means any city, consolidated city-county created
14 under K.S.A. 12-340 et seq., and amendments thereto, and K.S.A. 2014
15 Supp. 12-360 et seq., and amendments thereto, county adopting a charter
16 under K.S.A. 19-2680 et seq., and amendments thereto, and school district.

17 (h) Cities may provide for elections of elected officials in odd-
18 numbered years in order to provide for staggered terms of office or for
19 three-year terms of office for elected officials. All such elections shall be
20 conducted on a partisan basis.

21 New Sec. 2. All existing ordinances and charter ordinances relating to
22 a city's form of government, except those provisions relating to the timing
23 of city primary and general elections, shall remain in effect until amended
24 or repealed by such city.

25 New Sec. 3. (a) On and after January 1, 2016, all primary elections
26 for members of the governing body and other elected officials of any
27 special district shall be held on the first Tuesday in August of 2017 and on
28 such date thereafter of odd-numbered years and all general elections for
29 members of the governing body and other elected officials of any special
30 district shall be held on the Tuesday succeeding the first Monday in
31 November of 2017 of odd-numbered years and on such date thereafter.

32 (b) The term of members of governing bodies and other elected
33 officials of special districts that would expire at any time in 2017 shall
34 expire on the second Monday in January 2018, when newly elected
35 members of the governing body and other newly elected officials shall
36 take office. The governing body of the special district shall establish by
37 resolution terms of office of elected officials to comply with this act.

38 (c) Primary elections for any special district, if otherwise required by
39 law, shall be conducted on the first Tuesday in August in odd-numbered
40 years.

41 (d) The county election officers, with the assistance of the secretary
42 of state, shall conduct special district primary and general elections in odd-
43 numbered years.

1 (e) Any person who meets the qualifications for the office sought may
2 become a candidate for the special district office by filing a declaration of
3 intent to become a candidate with the county election officer accompanied
4 by a filing fee of \$20.

5 (f) All elections for officers of special districts shall be on a non
6 partisan basis.

7 (g) The filing deadline for all candidates for any special district unless
8 otherwise provided by law shall be as provided in K.S.A. 25-205, and
9 amendments thereto.

10 (h) "Special district" means any board of public utilities created under
11 K.S.A. 13-1220 et seq., and amendments thereto, community college,
12 drainage district, extension district created under K.S.A. 2-623 et seq., and
13 amendments thereto, irrigation district, improvement district created under
14 K.S.A. 19-2753 et seq., and amendments thereto, library district created
15 under K.S.A. 12-1236 et seq., and amendments thereto, water district
16 created under K.S.A. 19-3501 et seq., and amendments thereto, and
17 hospital district created under K.S.A. 80-2501 et seq., and amendments
18 thereto. The term does not include any special district where the election
19 of members of the governing body is conducted at a meeting of the special
20 district.

21 New Sec. 4. (a) All unified school districts shall make suitable school
22 buildings available for polling places at the request of a county election
23 officer for the county in which all or any portion of the school district is
24 located.

25 (b) The county election officer shall give not less than 60 days' notice
26 to the superintendent of the school district of the need to use one or more
27 school buildings as polling places for any primary or general election.

28 (c) All unified school districts shall schedule an in-service training
29 day for teachers when school is in session on the date of any primary or
30 general election.

31 (d) The terms "primary election" and "general election" shall have the
32 meanings as provided in K.S.A. 25-2502, and amendments thereto.

33 New Sec. 5. (a) The secretary of state shall develop a public
34 information program to inform the public generally of changes made as a
35 result of moving spring elections to fall elections. Such public information
36 program shall include, at a minimum, the explanation of which public
37 office elections are being transferred from spring to fall elections, which
38 offices will be elected on a partisan basis and which elected offices will be
39 elected on a nonpartisan basis. The program shall include the use of
40 advertisements and public service announcements as well as posting of
41 information on the opening pages of the official internet websites of the
42 secretary of state and county election officers. The secretary of state and
43 county election officers shall develop dedicated websites to provide voter

1 education and sample ballots for elections.

2 (b) The county election officers in consultation with the secretary of
3 state shall develop ways to reduce the ballot length and expedite the voting
4 process on election days.

5 New Sec. 6. Section 1 through 5, and amendments thereto, may be
6 cited as and shall be known as the help Kansas vote act.

7 New Sec. 7. (a) The secretary of state shall develop the official
8 primary ballot for special district offices.

9 (b) The declaration of intent to become a candidate shall be
10 prescribed by the secretary of state. The declarations shall be filed with the
11 county election officer not later than 12 noon, June 1, prior to the primary
12 election in odd-numbered years, or if such date falls on a Saturday, Sunday
13 or holiday, then before 12 noon of the next day that is not a Saturday,
14 Sunday or holiday.

15 (c) For special districts where a primary election is not authorized or
16 otherwise required by law, the declaration of intent to become a candidate
17 shall be filed with the county election officer not later than 12 noon,
18 September 1, prior to the general election in odd-numbered years, or if
19 such date falls on a Saturday, Sunday or holiday, then before 12 noon of
20 the next day that is not a Saturday, Sunday or holiday.

21 (d) The secretary of state shall establish primary election procedures
22 for primary elections for special districts.

23 (e) The secretary of state shall adopt rules and regulations to
24 implement this section.

25 Sec. 8. K.S.A. 2-623 is hereby amended to read as follows: 2-623. (a)
26 Prior to July 1 of any year, any two or more county extension councils
27 may establish an extension district composed of all of the counties of such
28 councils by entering into an agreement in accordance with this section to
29 combine the extension programs for each county involved into one
30 extension program serving the extension district. No such agreement shall
31 be effective unless such agreement has received the prior approval of: (1)
32 The board of county commissioners of each county included in the
33 proposed extension district, subject to the provisions of subsection (i); (2)
34 the executive board of the extension council of each county included in the
35 proposed extension district and the director of extension of Kansas state
36 university of agriculture and applied science, or the director's authorized
37 representative, acting together as a body; and (3) the attorney general in
38 accordance with subsection (h).

39 (b) Prior to July 1 of any year, one or more county extension councils
40 and the governing body of any existing extension district may establish a
41 new extension district by entering into an agreement in accordance with
42 this section to combine the extension programs for each such county and
43 such district into one extension program serving a new extension district

1 composed of all counties represented by such county extension councils
2 and the area served by the existing extension district. No such agreement
3 shall be effective unless such agreement has received the prior approval of:
4 (1) The board of county commissioners of each county being added to the
5 existing extension district, subject to the provisions of subsection (i); (2)
6 the executive board of the county extension council of each county being
7 added to the existing extension district, the governing body of the existing
8 extension district and the director of extension of Kansas state university
9 of agriculture and applied science, or the director's authorized
10 representative, acting together as a body; and (3) the attorney general in
11 accordance with subsection (h).

12 (c) On July 1 after the approval under subsection (a) or (b) of an
13 agreement to establish an extension district, such extension district is
14 hereby established and shall constitute a body corporate and politic
15 possessing the usual powers of a corporation for public purposes under the
16 name of "extension district no. _____ (the number designated by the
17 director of extension), _____ counties (naming the counties included
18 within the district), state of Kansas." Each extension district is a taxing
19 subdivision and has the power to contract, sue and be sued and to acquire,
20 hold and convey real and personal property in accordance with law.

21 (d) Upon the establishment of an extension district under subsection
22 (a) or (b), all of the personnel and property of each of the extension
23 programs which are combined into the new district extension programs
24 shall be transferred to the new extension district and shall be subject to the
25 authority of the governing body of the extension district in accordance
26 with the agreement to establish the extension district.

27 (e) Upon the establishment of an extension district under subsection
28 (a), the board of county commissioners of each county joining in the
29 establishing of an extension district shall appoint four qualified electors to
30 membership on the governing body of the district. The terms of all
31 members so appointed shall commence on July 1 following their
32 appointment. Of the members so appointed two members shall serve for
33 terms ending upon the election and qualification of their successors at an
34 election held on the first Tuesday in April of the first odd-numbered year
35 following their appointment and two members shall serve for terms ending
36 upon the election and qualification of their successors at an election held
37 on the first Tuesday in April of the second odd-numbered year following
38 their appointment following the first Monday in November of the first odd-
39 numbered year following their appointment and two members shall serve
40 for terms ending upon the election and qualification of their successors at
41 an election held on the Tuesday succeeding the first Monday in November
42 of the second odd-numbered year following their appointment.

43 (f) In the case of one or more counties being included in an existing

1 extension district under subsection (b), the board of county commissioners
2 of each county being included in an existing extension district shall
3 appoint four qualified electors of the county to membership on the
4 governing body of the expanded district. The terms of all members so
5 appointed shall commence on July 1 following their appointment. Of the
6 members so appointed two members shall serve for terms ending upon the
7 election and qualification of their successors at an election held on the ~~first~~
8 ~~Tuesday in April of the first odd-numbered year following their~~
9 ~~appointment and two members shall serve for terms ending upon the~~
10 ~~election and qualification of their successors at an election held on the first~~
11 ~~Tuesday in April of the second odd-numbered year following their~~
12 ~~appointment~~ *Tuesday following the first Monday in November of the first*
13 *odd-numbered year following their appointment and two members shall*
14 *serve for terms ending upon the election and qualification of their*
15 *successors at an election held on the Tuesday following the first Monday*
16 *in November of the second odd-numbered year following their*
17 *appointment.* The offices of the members of the governing body of the
18 existing extension district shall continue in existence and the persons in
19 such offices shall be members of the governing body of the expanded
20 extension district which is established on July 1 for the remainder of their
21 existing terms of office.

22 (g) In addition to other required provisions, each agreement entered
23 into under this section shall specify the permissible method or methods to
24 be employed in disposing of the assets and liabilities of the extension
25 district in the event that one or more counties withdraw from the extension
26 district under K.S.A. 2-628, and amendments thereto.

27 (h) Each agreement entered into under this section or under K.S.A. 2-
28 628, and amendments thereto, prior to and as a condition precedent to its
29 entry into force, shall be submitted to the attorney general who shall
30 determine whether the agreement is in proper form and compatible with
31 this act and the other laws of Kansas. The attorney general shall approve
32 any agreement submitted for approval under this section or K.S.A. 2-628,
33 and amendments thereto, unless the attorney general finds that the
34 submitted agreement does not meet the requirements of this act. In such
35 case, the attorney general shall specify in writing to the proposed parties to
36 the agreement and to each other entity required to approve the agreement,
37 the specific respects in which the proposed agreement fails to meet the
38 requirements of law. Failure by the attorney general to disapprove an
39 agreement submitted pursuant to this subsection within 90 days of its
40 submission shall constitute approval of the agreement by the attorney
41 general.

42 (i) Prior to approving an agreement under this section, the board of
43 county commissioners of each county to be included in a proposed

1 extension district under subsection (a) or to be added to an existing
2 extension district under subsection (b), as the case may be, shall adopt a
3 resolution stating the intention of the board of county commissioners to
4 approve such agreement and specifying the counties that are to be included
5 in the extension district. Such resolution shall be published once each
6 week for two consecutive weeks in the official county newspaper. If,
7 within 60 days following the last publication of the resolution, a petition in
8 opposition to the approval of the agreement and the inclusion of the county
9 in the extension district is signed by not less than 5% of the qualified
10 electors of the county and is filed with the county election officer, such
11 board of county commissioners shall not approve such agreement and the
12 county shall not be included in the extension district unless and until the
13 same is approved by a majority of the qualified electors of the county
14 voting thereon at a primary election or general election or at a special
15 election called and held for such purpose. Any such special election shall
16 be called, noticed and held in accordance with the provisions of K.S.A. 10-
17 120, and amendments thereto.

18 Sec. 9. K.S.A. 2014 Supp. 2-624 is hereby amended to read as
19 follows: 2-624. (a) The governing body of each extension district shall be
20 composed of four representatives from each county included in the
21 extension district. At the conclusion of the terms of the members first
22 appointed to membership on the governing body of the district, the four
23 members representing each county in an extension district shall be elected
24 in a county-wide election by the qualified electors of the county.

25 (b) At the conclusion of the terms of the members first appointed to
26 membership on the governing body of the district, each member of the
27 governing body shall hold office for a term of four years and until such
28 member's successor is elected and qualified. Each such term of office shall
29 commence on the date of receipt of certification of election by the member
30 elected and shall continue until the member's successor is elected and
31 qualified.

32 (c) (1) ~~Except as otherwise provided in this act, an~~ *The* election to
33 elect successors to members of the governing body whose terms are
34 expiring shall be held on the ~~first Tuesday in April following the first~~
35 *Monday in November of each odd-numbered year.*

36 (2) Elections to choose members of the governing body of an
37 extension district shall be conducted, the returns made and the results
38 ascertained in the manner provided by law for general county elections
39 except as otherwise provided by this act. ~~Not later than 12 noon of the~~
40 ~~Tuesday, 10 weeks preceding the first Tuesday in April in election years,~~
41 ~~each person desiring to be a candidate for membership on the governing~~
42 ~~body, in any election, shall file a declaration of candidacy, accompanied by~~
43 ~~a filing fee of \$5, with the county election officer of the county represented~~

1 by the member of the governing body whose successor is to be elected, as
 2 a candidate in such election. The county election officer shall remit such
 3 filing fees to the county treasurer for deposit in the county general fund.
 4 The county election officer in making up the ballots and in placing the
 5 names thereon shall place the names on the ballots in alphabetical order.
 6 *Any person desiring to be a candidate for election to the governing body*
 7 *shall file a candidate's declaration of intention with the county election*
 8 *officer of the county represented by the member of the governing body*
 9 *whose successor is to be elected. Such candidate's filing shall be made in*
 10 *the manner as provided in section 7, and amendments thereto.*

11 (3) ~~The county election officer of each county within the extension~~
 12 ~~district shall appoint election boards as provided by law for other elections~~
 13 ~~and shall designate places for holding the election. The county election~~
 14 ~~officer shall cause to be ascertained the names of all persons within the~~
 15 ~~district who are qualified electors, and shall furnish lists thereof to the~~
 16 ~~judges of the election. Notice of the time and place of holding each~~
 17 ~~election, signed by the county election officer, shall be given in a~~
 18 ~~newspaper published in the county and posted in a conspicuous place in~~
 19 ~~the office of the governing body at least five days before the holding~~
 20 ~~thereof shall be published by the county election officer in a newspaper~~
 21 ~~published in the county in accordance with K.S.A. 25-209, and~~
 22 ~~amendments thereto, and K.S.A. 25-105, and amendments thereto.~~

23 (4) All direct election expenses shall be paid by the extension district.
 24 Election officials shall receive the same compensation as provided under
 25 the general election laws.

26 (d) Any vacancy in the membership of the governing body of an
 27 extension district shall be filled by appointment by the governing body for
 28 the unexpired term of office. Each member so appointed shall be a resident
 29 of the county which was represented by the member creating the vacancy.

30 (e) The governing body of each extension district shall organize
 31 annually in ~~July~~ *January* by electing from among its members a
 32 chairperson, vice-chairperson, secretary and treasurer.

33 Sec. 10. K.S.A. 12-344 is hereby amended to read as follows: 12-344.

34 (a) Any plan submitted by the commission shall provide for the exercise of
 35 powers of local legislation and administration not inconsistent with the
 36 constitution or other laws of this state.

37 (b) If the commission submits a plan providing for the consolidation
 38 of certain city and county offices, functions, services and operations, the
 39 plan shall:

40 (1) Include a description of the form, structure, functions, powers and
 41 officers and the duties of such officers recommended in the plan.

42 (2) Provide for the method of amendment of the plan.

43 (3) Authorize the appointment of, or elimination of elective officials

1 and offices.

2 (4) Specify the effective date of the consolidation.

3 (5) Include other provisions determined necessary by the commission.

4 (c) If the plan provides for the consolidation of the city and county, in
5 addition to the requirements of subsection (b) the plan shall:

6 (1) Fix the boundaries of the governing body's election districts,
7 provide a method for changing the boundaries from time-to-time, any at-
8 large positions on the governing body, fix the number, term and initial
9 compensation of the governing body of the consolidated city-county and
10 the method of election.

11 ~~(2) Determine whether elections of the governing body of the~~
12 ~~consolidated city-county shall be partisan or nonpartisan elections and the~~
13 ~~time at which such elections shall be held.~~

14 ~~(3) (2) Determine the distribution of legislative and administrative~~
15 ~~duties of the consolidated city-county officials, provide for consolidation~~
16 ~~or expansion of services as necessary, authorize the appointment of a~~
17 ~~consolidated city-county administrator or a city-county manager, if~~
18 ~~deemed advisable, and prescribe the general structure of the consolidated~~
19 ~~city-county government.~~

20 ~~(4) (3) Provide for the official name of the consolidated city-county.~~

21 ~~(5) (4) Provide for the transfer or other disposition of property and~~
22 ~~other rights, claims and assets of the county and city.~~

23 *(d) Elections for the governing body and other elected officers of the*
24 *consolidated city-county shall be on a partisan basis.*

25 Sec. 11. K.S.A. 2014 Supp. 12-363 is hereby amended to read as
26 follows: 12-363. (a) Any plan submitted by the commission shall provide
27 for the exercise of powers of local legislation and administration not
28 inconsistent with the constitution or other laws of this state.

29 (b) If the commission submits a plan providing for the unification of
30 certain city and county offices, functions, services and operations, the plan
31 shall:

32 (1) Include a description of the form, structure, functions, powers and
33 officers and the duties of such officers recommended in the plan.

34 (2) Provide for the method of amendment of the plan.

35 (3) Specify the effective date of the unification.

36 (4) Include other provisions determined necessary by the commission.

37 (c) If the plan provides for the unification of the city and county, in
38 addition to the requirements of subsection (b) the plan shall:

39 (1) Provide that the members of the governing body be elected from
40 districts or on an at-large basis and fix the number, term and initial
41 compensation of the governing body of the unified city-county and the
42 method of election.

43 ~~(2) Determine whether elections of the governing body of the unified~~

1 city-county shall be partisan or nonpartisan elections and the time at which
 2 such elections shall be held.

3 ~~(3)~~ (2) Determine the distribution of legislative and administrative
 4 duties of the unified city-county officials, provide for unification or
 5 expansion of services as necessary, authorize the appointment of a city-
 6 county administrator or manager, if deemed advisable, and prescribe the
 7 general structure of the unified city-county government.

8 ~~(4)~~ (3) Provide for the official name of the unified city-county.

9 ~~(5)~~ (4) Provide for the transfer or other disposition of property and
 10 other rights, claims and assets of the county and city.

11 ~~(6)~~ (5) Fix the rate of the retailers' sales tax, if any.

12 (d) *Elections for the governing body and other elected officials shall*
 13 *be on a partisan basis.*

14 Sec. 12. K.S.A. 13-1220 is hereby amended to read as follows: 13-
 15 1220. ~~In each city of the first class that now has or hereafter acquires a~~
 16 ~~population of more than one hundred thousand inhabitants, which now or~~
 17 ~~hereafter owns and operates a municipal waterworks plant and a municipal~~
 18 ~~electric light plant, there shall be~~ *Any city may establish* an administrative
 19 agency known as the board of public utilities of such city, to be elected in
 20 the manner hereinafter provided. The board shall manage, operate,
 21 maintain and control the daily operation of the water plant and electric-
 22 light plant of such city, and shall make all such rules and regulations as are
 23 necessary for the safe, economical and efficient operation and management
 24 of such water plants and electric-light plants. The board may also improve,
 25 extend or enlarge the water plants and electric-light plants as hereinafter
 26 provided, and furnish a supply of water, light, heat and power for
 27 domestic, industrial and municipal purposes.

28 Sec. 13. K.S.A. 13-1221 is hereby amended to read as follows: 13-
 29 1221. (a) The board of public utilities shall consist of six members, three
 30 of which shall be nominated and elected by the city at large and three of
 31 which shall be elected by the qualified electors of the city within each of
 32 the districts established pursuant to subsection (b). *Members of the board*
 33 *shall be elected on a nonpartisan basis.* Members elected to the board of
 34 public utilities after the effective date of this act shall hold their offices for
 35 terms of four years, and until their successors are elected and qualified.
 36 Each of the members elected from districts shall be qualified voters of the
 37 districts from which elected. Elections of members of the board shall be
 38 held at the time of the general city election *in odd-numbered years.* ~~The~~
 39 ~~provisions of article 17 of chapter 13 of the Kansas Statutes Annotated,~~
 40 ~~pertaining to the election and removal of officers, shall govern so far as~~
 41 ~~applicable.~~

42 (b) The board shall elect from its own number a president and vice-
 43 president and shall appoint a secretary. ~~Notwithstanding the provisions of~~

1 ~~K.S.A. 13-1222, relating to a quorum for the transaction of business and a~~
 2 ~~vote for action by the board.~~ Any vacancy occurring in the board shall be
 3 filled by a majority vote of the members remaining on the board. Where a
 4 vacancy has occurred in the membership of any board of public utilities, a
 5 member selected to fill such vacancy shall serve until the next ~~city-~~
 6 *November in odd-numbered years* election, at which time a successor shall
 7 be elected to serve the remainder of the unexpired term, if any.

8 ~~(b) The districts numbered 1, 2 and 3 established in 1979 shall be~~
 9 ~~subject to alteration at the first meeting of the board in each fourth year~~
 10 ~~thereafter, but such alteration shall only be for the purpose of establishing~~
 11 ~~and maintaining the equality of population among the districts.~~

12 Sec. 14. K.S.A. 19-2680 is hereby amended to read as follows: 19-
 13 2680. (a) Any county which has been declared to be an urban area under
 14 the provisions of K.S.A. 19-2654, *and amendments thereto*, is hereby
 15 authorized to adopt, and from time to time amend, a charter for the
 16 government of such county. Such charter shall provide for the exercise of
 17 powers of local legislation and administration not inconsistent with general
 18 law or the constitution of the state of Kansas, and may:

19 ~~(a)~~ (1) Fix the boundaries of each county commissioner's district,
 20 provide a method for changing them from time to time, and fix the
 21 number, term, and compensation of the commissioners and their method of
 22 election, and shall define and outline duties and powers of the county
 23 commissioners;

24 ~~(b)~~ (2) provide for the exercise of such powers similar or identical to
 25 the powers permitted under K.S.A. 19-101 and article 39 of chapter 12 of
 26 the Kansas Statutes Annotated, *and amendments thereto*;

27 ~~(c)~~ (3) provide in the charter a method for its amendment;

28 ~~(d)~~ (4) determine the distribution of legislative and administrative
 29 duties of the county officials, provide for consolidation or expansion of
 30 services as necessary, authorize the appointment of a county administrator
 31 or a county manager, and prescribe the general structure of county
 32 government; and

33 ~~(e)~~ (5) authorize the appointment of or elimination of elective
 34 officials and offices within the charter similar or identical to that
 35 authorization permitted the board of county commissioners under article
 36 39 of chapter 12 of the Kansas Statutes Annotated, *and amendments*
 37 *thereto*.

38 ~~(b)~~ *Elections for the governing body and other elected officers shall*
 39 *be on a partisan basis.*

40 Sec. 15. K.S.A. 19-2760 is hereby amended to read as follows: 19-
 41 2760. (a) An election shall be held in each improvement district on the
 42 Tuesday following the first Monday in November ~~of 1978~~ and of each
 43 even-numbered year thereafter for the purpose of electing three directors

1 of such district, except that the first election following the establishment of
 2 such district shall be held at a time fixed by the board of county
 3 commissioners of the county in which the district is located.

4 (b) The directors of an improvement district shall serve for terms of
 5 two years, ~~except that directors elected prior to the Tuesday following the~~
 6 ~~first Monday in November, 1978, and directors elected at the first election~~
 7 ~~following the establishment of the district shall serve until their successors~~
 8 ~~are elected.~~

9 (c) ~~(1) From and after July 1, 2006, Each director shall:~~

10 ~~(A) (1) Own land within the improvement district; or~~

11 ~~(B) (2) reside in the improvement district.~~

12 ~~(2) Notwithstanding the provisions of paragraph (1), each director~~
 13 ~~elected on or before June 30, 2006, shall be allowed to serve the remainder~~
 14 ~~of such director's current term of office.~~

15 Sec. 16. K.S.A. 19-3505 is hereby amended to read as follows: 19-
 16 3505. (a) Except as otherwise provided by this section, the governing body
 17 of any water district to which this section applies shall be a five-member
 18 board holding positions numbered one to five, inclusive. Each member
 19 shall be elected and shall hold office from ~~May 1 following such member's~~
 20 ~~election until April 30, the second Monday in January succeeding such~~
 21 ~~member's election until~~ four years thereafter and until a successor is
 22 elected and has qualified.

23 The first election of members of the governing body of any water
 24 district created after the effective date of this act shall be held on the first
 25 Tuesday in August of any even-numbered year, at which time members
 26 shall be elected for terms beginning on September 1 of the same year, and
 27 ending on April 30 of the third year following the beginning of such term,
 28 to positions numbered three, four and five. At such first election, members
 29 shall be elected for terms ending on April 30 of the first year following the
 30 beginning of such terms, to positions numbered one and two. Members
 31 first elected to positions one and two shall have terms of approximately
 32 eight months. Elections shall be ~~thereafter~~ held on the ~~first Tuesday in~~
 33 ~~April of each odd-numbered year following the first Monday in November~~
 34 ~~of each odd-numbered year~~ for the member positions whose terms expire
 35 in that year.

36 (b) From and after April 30, 1991, the governing body of the water
 37 district shall be composed of seven members. At the election held in 1991,
 38 positions numbered 1, 2, 6 and 7 shall be elected to four-year terms. At the
 39 election in 1993, positions numbered 3, 4 and 5 shall be elected to four-
 40 year terms.

41 (c) Elections shall be held on the ~~first Tuesday in April of each odd-~~
 42 ~~numbered~~ *following the first Monday in November of each odd-numbered*
 43 year for the positions which terms expire in that year. Members shall hold

1 office from ~~May 1~~, *the second Monday in January* following such
2 member's election until ~~April 30~~, four years thereafter and until a successor
3 is elected and qualified. All elections shall be nonpartisan and shall be
4 called and conducted by the county election officer. Laws applying to
5 other local elections occurring at the same time and in the same locality
6 shall apply to elections under this act to the extent that the same can be
7 made to apply. *Notice of the time and place of holding each election shall*
8 *be published by the county election officer in a newspaper published in the*
9 *county in accordance with procedures established in K.S.A. 25-209, and*
10 *amendments thereto, and K.S.A. 25-105, and amendments thereto.*

11 (d) *In January*, following each election, the board shall organize and
12 not later than the second regular meeting following each election shall
13 select from among its members a chairperson and a vice-chairperson. The
14 vice-chairperson shall preside over any meetings at which the chairperson
15 is not present. Vacancies occurring during a term shall be filled for the
16 unexpired term by appointment by the remaining members. All members
17 shall take an oath of office as prescribed for other public officials. The
18 members of the board shall be qualified electors in the water district. Prior
19 to accepting office, the water district shall obtain for each member-elect a
20 corporate surety bond to the state of Kansas in the amount of \$10,000,
21 conditioned upon the faithful performance of the member's duties and for
22 the true and faithful accounting of all money that may come into the
23 member's hands by virtue of the office. Such bonds shall be filed in the
24 office of the county clerk for the county in which the major portion of such
25 water district is located after approval by the board of county
26 commissioners of such county.

27 (e) Each member of the board shall receive a monthly salary in an
28 amount determined by the board and shall be reimbursed for all necessary
29 and reasonable expenses incurred in performing official assigned duties.

30 Sec. 17. K.S.A. 19-3507 is hereby amended to read as follows: 19-
31 3507. ~~The water district election shall be held in each election precinct, a~~
32 ~~part or all of which is located within such water district, except that if no~~
33 ~~other election is being held in a given election precinct on the same date as~~
34 ~~the water district election, the county election officer may provide one or~~
35 ~~more convenient voting places where the water district electors of such~~
36 ~~precinct may vote, which may be a voting place located in another~~
37 ~~precinct. The county election officer shall designate such voting places and~~
38 ~~the persons entitled to vote thereat in the election notice. The county~~
39 ~~election officer shall make a report in writing to the board of county~~
40 ~~commissioners of such election precincts and voting places, which report~~
41 ~~shall be filed with the county clerk of the county or counties in which such~~
42 ~~precincts and voting places are located and an entry thereof made upon the~~
43 ~~journal of the board or boards of county commissioners of such county or~~

1 counties and if any change shall be made in such voting precincts and
2 voting places by the county election officer, the same shall in like manner
3 be reported to the board or boards of county commissioners, filed and
4 entered as aforesaid. The polls for any election held under this act shall be
5 open between the hours of 7:00 a.m. and 7:00 p.m.

6 ~~AH(a) Any qualified persons~~ *person* desiring to be voted upon as a
7 *candidate for a position* as a member of such board shall ~~on or before~~
8 ~~12:00 o'clock noon~~ on the Tuesday which precedes by 10 weeks the first
9 Tuesday in April of the year in which the election is being held, which date
10 shall be stated in the publication notice of the election, *file a candidate's*
11 *declaration of intention in the manner provided in K.S.A. 25-206, and*
12 *amendments thereto*, with the county election officer, a statement directing
13 such officer to place such person's name on the ballot as a candidate for
14 member of the board of the water district in such election, indicating the
15 number of the position for which such person is filing. No candidate shall
16 be permitted to withdraw as a candidate after the deadline for filing such
17 statements of candidacy. There shall be no primary election for members
18 of the water district board. The county election officer shall publish names
19 of all candidates in a newspaper of general circulation within the water
20 district not less than 10 days before such election *in accordance with*
21 *K.S.A. 25-209, and amendments thereto*. The county election officer shall
22 provide for use of voting machines or printed ballots in each election
23 precinct or voting place. Where printed ballots are prepared, the same shall
24 be done at the expense of the water district. The names of candidates for
25 each member position shall be rotated on the ballots in such a manner that
26 each candidate shall be given an equitable opportunity to have such
27 candidate's name appear first on the ballot. Where the only election being
28 conducted in an election precinct or voting place is the water district
29 election, The cost of providing judges and clerks in such precinct or voting
30 place shall be borne entirely by the water district, but where held in
31 conjunction with other elections, the cost shall be prorated in the manner
32 provided by article 22 of chapter 25 of the Kansas Statutes Annotated, and
33 amendments thereto.

34 At least five days before any election, the county election officers of
35 the various counties within which a portion of such district is located, in
36 cooperation with the water district board, shall determine the voting areas
37 where no other elections will be held in conjunction with the water district
38 and the names of all qualified electors residing in the water district and
39 located in such precincts and shall determine the election precincts which
40 contain only a part of the water district and the names of all qualified
41 electors residing in the water district and in such election precincts. A list
42 of the qualified electors determined as hereinbefore provided shall be
43 furnished by the county election officer to the judges of the voting

1 ~~precincts or voting places where such electors are entitled to vote.~~

2 *(b) All direct election expenses shall be paid by the water district.*

3 *(c) Qualified electors of any election precinct, ~~the entirety part or all~~*
 4 *of which is within the water district, shall be entitled to vote in such*
 5 *precinct and a separate list of their names need not be furnished.*

6 ~~A voter shall not be eligible to vote in any election precinct other than~~
 7 ~~the one in which such person resides unless no election is being held in~~
 8 ~~such precinct, in which event, such voter shall be entitled to vote in the~~
 9 ~~voting place designated by the county election officer.~~

10 ~~Such list furnished by the county election officer to the judges of each~~
 11 ~~precinct shall be conclusive at all elections, except that one desirous of~~
 12 ~~voting, whose name does not appear on such list, may proceed to the~~
 13 ~~county election officer of the county and such officer may administer oaths~~
 14 ~~and affirm witnesses to determine the right of anyone to vote who may~~
 15 ~~claim erroneous omission from such list, and if such officer issues a~~
 16 ~~certificate entitling the voter to vote, such certificate shall be accepted by~~
 17 ~~the judges and clerks of the election. The list so furnished by the county~~
 18 ~~election officer shall be conclusive at all elections held within the same~~
 19 ~~year that the list is furnished.~~

20 Sec. 18. K.S.A. 2014 Supp. 24-412 is hereby amended to read as
 21 follows: 24-412. (a) Subject to the provisions of subsection (b), except as
 22 otherwise provided in this section, an election to choose three directors in
 23 each district as their successors, shall be held on the first Tuesday in April,
 24 1983, and an election shall be held each four years thereafter, on the first
 25 Tuesday in April, to choose directors *An election to choose three directors*
 26 *in each district shall be held on the Tuesday following the first Monday in*
 27 *November 2017, and an election shall be held each four years thereafter,*
 28 *on the Tuesday following the first Monday in November, to choose*
 29 *directors. Any director elected in any district in 2015 shall hold such office*
 30 *until such successor is elected and qualified.*

31 (b) On and after January 1, 2012, the board of directors of drainage
 32 district No. 2 of Finney county, Kansas, shall be elected as provided in
 33 K.S.A. ~~2012~~ 2014 Supp. 24-139a, and amendments thereto.

34 Sec. 19. K.S.A. 2014 Supp. 24-414 is hereby amended to read as
 35 follows: 24-414. (a) Elections to choose directors shall be conducted, the
 36 returns made and the results ascertained in the manner provided by law for
 37 general county elections except as otherwise provided by law, and ~~all~~
 38 ~~persons desiring to be voted upon as director, in any election, shall, not~~
 39 ~~later than 12 noon of the Tuesday, 10 weeks preceding the first Tuesday in~~
 40 ~~April in election years, file a declaration of candidaey, any qualified~~
 41 ~~person desiring to be a candidate for director shall file a candidate's~~
 42 ~~declaration of intention in the manner provided in K.S.A. 25-206, and~~
 43 ~~amendments thereto, accompanied by a filing fee of-\$5 \$20, with the~~

1 county election officer of the county wherein the district is located, ~~as a~~
 2 ~~candidate in such election~~, and the election officer in making up the ballots
 3 ~~and in placing the names thereon shall place the names on the ballots in~~
 4 ~~alphabetical order, but the returns of all special or bond elections shall be~~
 5 ~~made to the secretary and canvassed by the board of directors.~~ The county
 6 election officer shall remit such filing fees to the county treasurer for
 7 deposit in the county general fund. ~~The county election officer of the~~
 8 ~~county wherein the drainage district is situated shall appoint election~~
 9 ~~boards as provided by law for other elections and shall designate places for~~
 10 ~~holding the election.~~ The county ~~clerk~~ *election officer* shall cause to be
 11 ascertained the names of all persons within the district who are also
 12 qualified electors, and shall furnish lists thereof to the judges of the
 13 election.

14 (b) Notice of the time and place of holding each election, ~~signed by~~
 15 ~~the county election officer~~, shall be ~~given~~ *published* in a newspaper
 16 published in the county *in accordance with procedures established in*
 17 *K.S.A. 25-209, and amendments thereto, and K.S.A. 25-105, and*
 18 *amendments thereto*, and posted in a conspicuous place in the office of the
 19 board of directors at least five days before the holding thereof. At all
 20 elections and meetings held under the provisions of this act, only persons
 21 who are qualified electors shall be entitled to vote. In counties having a
 22 population of more than 150,000, at all elections and meetings held under
 23 the provisions of this act, only persons who are taxpayers and residents of
 24 the district who are qualified electors shall be entitled to vote. All election
 25 expenses shall be paid for out of the general fund of the drainage district.
 26 Election officials shall receive the same compensation as provided under
 27 the general election laws.

28 (c) As used in this section, "taxpayer" means any person who owns
 29 any real property or tangible property within the district who pays taxes
 30 assessed on such property.

31 Sec. 20. K.S.A. 2014 Supp. 24-459 is hereby amended to read as
 32 follows: 24-459. (a) The board of directors of any drainage district
 33 incorporated pursuant to K.S.A. 24-458, *and amendments thereto*, shall
 34 consist of three qualified persons as defined in ~~paragraph (3) of subsection~~
 35 ~~(e) of this section~~(3).

36 (b) The directors for the first term after the incorporation of the
 37 drainage district shall be selected and designated in the petition for the
 38 incorporation of the district and shall be declared directors by the county
 39 commissioners to which the petition is presented.

40 (c) The directors shall hold office until the ~~first Tuesday in April next~~
 41 *second Monday in January of the next even-numbered year* after the
 42 incorporation of the district, at which time and every four years thereafter
 43 directors shall be elected *at the November odd-year elections* and shall

1 hold their office for the term of four years and until their successors are
2 elected and qualified.

3 (d) Every qualified person of the district shall be entitled to vote at
4 the election or at any election which may be held in the district.

5 (e) For the purposes of this section:

6 (1) "Owner" or "person who owns land" means any person or entity
7 who is the record owner of the fee in any real estate in the district or the
8 fee in the surface rights of any real estate in the district, but the owners of
9 an oil and gas lease, mineral rights or interest, easements or mortgages as
10 such shall not be considered owners, and school districts, cemetery
11 associations, and municipal corporations shall not be considered owners.

12 (2) "Taxpayer" means any owner who has paid all taxes currently due
13 on such real estate.

14 (3) "Qualified person" means any taxpayer 18 years of age or older,
15 whether a resident of the district or not. A taxpayer who is a qualified
16 person and who is not an individual may designate an individual to cast its
17 vote or to serve as a director of the district.

18 (f) The county clerk shall determine the qualified persons entitled to
19 vote at any election in the district. Any entity desiring to vote at an election
20 shall register the name of its designated representative with the county
21 election officer no later than ~~14~~ 21 days in advance of any such election.

22 Sec. 21. K.S.A. 24-504 is hereby amended to read as follows: 24-504.
23 Whenever a majority of the counties to be included within the proposed
24 drainage district have reported in favor of the organization of ~~said the~~
25 drainage district, under the provisions of this act, the secretary of state
26 shall report ~~such the~~ fact to the governor of Kansas, who shall ~~forthwith~~
27 declare, by suitable proclamation, the territory described in ~~said the~~
28 petition and set forth in the reports of ~~said the~~ commissioners to constitute
29 a public corporation, and the freeholders owning lands within ~~such the~~
30 bounds, and resident within the state of Kansas, to be incorporated as a
31 drainage district under the name designated in ~~said the~~ petition, and
32 ~~thenceforth~~ the ~~said~~ territory and the freeholders thereof, who are residents
33 of the state of Kansas, and their successors, shall constitute a body politic
34 and corporate under ~~said the~~ corporate name and shall give perpetual
35 succession.

36 In ~~said the~~ proclamation the governor shall designate the ~~last Tuesday~~
37 ~~of the next succeeding calendar month~~ *Tuesday following the first Monday*
38 *in November of the odd-numbered year* following the issuing of ~~said the~~
39 proclamation on which an election shall be held in each of the counties to
40 be included within the proposed drainage district for the purpose of
41 electing directors of ~~said the~~ corporation, in number and in the manner
42 hereinafter provided. The secretary of state shall make and keep full and
43 complete records of the organization of all drainage districts organized

1 under the provisions of this act, showing the findings and decisions of the
2 boards of county commissioners and all of the acts of the governor in
3 connection with the organization thereof, a true and correct copy of which
4 he shall forward to the ~~said~~ boards of county commissioners within five
5 days after the issuing of the governor's proclamation provided for in this
6 section, and they shall spread the same upon their records.

7 Sec. 22. K.S.A. 2014 Supp. 24-506 is hereby amended to read as
8 follows: 24-506. (a) The board of directors of any drainage district
9 incorporated pursuant to K.S.A. 24-501 et seq., and amendments thereto,
10 shall consist of one person from each county in the district if the number
11 of counties is odd, but if the number of counties is even, then there shall be
12 an additional director at large. If the drainage district is located wholly
13 within one county, the number of directors shall be three. Except as
14 provided in subsection (b), the directors shall be freeholders who shall be
15 residents of Kansas, whose lands in whole or in part are located within the
16 district. The directors shall hold their offices for a term of four years and
17 until their successors are elected and qualified. Elections to choose
18 directors, except the first, shall be held on the ~~first Tuesday in April~~
19 *Tuesday following the first Monday in November of the next odd-*
20 *numbered year* and every four years thereafter.

21 (b) If there are no residents in the drainage district, any owner of land
22 within the district shall be a qualified voter and shall be qualified to hold
23 the office of director.

24 Sec. 23. K.S.A. 25-202 is hereby amended to read as follows: 25-202.
25 (a) Except as otherwise provided in subsection (b) all candidates for
26 national, state, county ~~and~~, township, *municipal and special district* offices
27 shall be nominated by: (1) A primary election, *if required*, held in
28 accordance with article 2 of chapter 25 of the Kansas Statutes Annotated,
29 and amendments thereto; or (2) independent nomination petitions signed
30 and filed as provided by existing statutes.

31 (b) Candidates for any of such offices who are members of any
32 political party whose candidate for governor did not poll at least 5% of the
33 total vote cast for all candidates for governor in the preceding general
34 election shall not be entitled to nomination by primary election but shall be
35 nominated by a delegate or mass convention according to article 3 of
36 chapter 25 of the Kansas Statutes Annotated, and amendments thereto.

37 (c) No candidate for any national, state, county ~~or~~, township *or*
38 *municipal* office shall file for office as a partisan candidate in a primary
39 election and also file for office as an independent candidate for any
40 national, state, county ~~or~~, township *or municipal* office in the general
41 election immediately following.

42 (d) The provisions of article 2 of chapter 25 of the Kansas Statutes
43 Annotated, and amendments thereto, shall not apply to the justices of the

1 supreme court or to judges of the district court in judicial districts which
 2 have approved the proposition of nonpartisan selection of district court
 3 judges, as provided in K.S.A. 20-2901, and amendments thereto, nor to
 4 special elections to fill vacancies.

5 Sec. 24. K.S.A. 2014 Supp. 25-205 is hereby amended to read as
 6 follows: 25-205. (a) Except as otherwise provided in this section, the
 7 names of candidates for national, state, county—~~and~~, township *and*
 8 *municipal* offices shall be printed upon the official primary ballot when
 9 each shall have qualified to become a candidate by one of the following
 10 methods and none other: (1) They shall have had filed in their behalf, not
 11 later than 12 noon, June 1, prior to such primary election, or if such date
 12 falls on Saturday, Sunday or a holiday, then before 12 noon of the next
 13 following day that is not a Saturday, Sunday or a holiday, nomination
 14 petitions, as provided for in this act; or (2) they shall have filed not later
 15 than the time for filing nomination petitions, as above provided, with the
 16 proper officer a declaration of intention to become a candidate,
 17 accompanied by the fee required by law. Such declaration shall be
 18 prescribed by the secretary of state.

19 (b) Nomination petitions shall be in substantially the following form:

20 I, the undersigned, an elector of the county of _____, and
 21 state of Kansas, and a duly registered voter, and a member of
 22 _____ party, hereby nominate _____, who resides in
 23 the township of _____ (or at number _____ on
 24 _____ street, city of _____), in the county of
 25 _____ and state of Kansas, as a candidate for the office of (here
 26 specify the office) _____, to be voted for at the primary
 27 election to be held on the first Tuesday in August in _____, as
 28 representing the principles of such party; and I further declare that I intend
 29 to support the candidate herein named and that I have not signed and will
 30 not sign any nomination petition for any other person, for such office at
 31 such primary election.

32 (HEADING)

33 Name of	Street Number	Name of	Date of
34 Signers.	or Rural Route	City.	Signing.
35	(as registered).		

36 All nomination petitions shall have substantially the foregoing form,
 37 written or printed at the top thereof. No signature shall be counted unless it
 38 is upon a sheet having such written or printed form at the top thereof.

39 (c) Each signer of a nomination petition shall sign but one such
 40 petition for the same office, and shall declare that such person intends to
 41 support the candidate therein named, and shall add to such person's
 42 signature and residence, if in a city, by street and number (if any); or,
 43 otherwise by post-office address. No signature shall be counted unless the

1 place of residence of the signer is clearly indicated and the date of signing
2 given as herein required and if ditto marks are used to indicate address
3 they shall be continuous and clearly made. Such sheets shall not be cut or
4 pasted together.

5 (d) All signers of each separate nomination petition shall reside in the
6 same county and election district of the office sought. The affidavit
7 described in this paragraph of a petition circulator as defined in K.S.A.
8 2014 Supp. 25-3608, and amendments thereto, or of the candidate shall be
9 appended to each petition and shall contain, at the end of each set of
10 documents carried by each circulator, a verification, signed by the
11 circulator or the candidate, to the effect that such circulator or the
12 candidate personally witnessed the signing of the petition by each person
13 whose name appears thereon.

14 (e) Except as otherwise provided in subsection (g), nomination
15 petitions shall be signed:

16 (1) If for a state officer elected on a statewide basis or for the office of
17 United States senator, by voters equal in number to not less than 1% of the
18 total of the current voter registration of the party designated in the state as
19 compiled by the office of the secretary of state;

20 (2) if for a state or national officer elected on less than a statewide
21 basis, by voters equal in number to not less than 2% of the total of the
22 current voter registration of the party designated in such district as
23 compiled by the office of the secretary of state, except that for the office of
24 district magistrate judge, by not less than 2% of the total of the current
25 voter registration of the party designated in the county in which such
26 office is to be filled as certified to the secretary of state in accordance with
27 K.S.A. 25-3302, and amendments thereto;

28 (3) if for a county office, by voters equal in number to not less than
29 3% of the total of the current voter registration of the party designated in
30 such district or county as compiled by the county election officer and
31 certified to the secretary of state in accordance with K.S.A. 25-3302, and
32 amendments thereto; ~~and~~

33 (4) if for a township office, by voters equal in number to not less than
34 3% of the total of the current voter registration of the party designated in
35 such township as compiled by the county election officer and certified to
36 the secretary of state in accordance with K.S.A. 25-3302, and amendments
37 thereto; *and*

38 (5) *if for a municipal office as provided by law.*

39 (f) Subject to the requirements of K.S.A. 25-202, and amendments
40 thereto, any political organization filing nomination petitions for a
41 majority of the state or county offices, as provided in this act, shall have a
42 separate primary election ballot as a political party and, upon receipt of
43 such nomination petitions, the respective officers shall prepare a separate

1 state and county ballot for such new party in their respective counties or
2 districts thereof in the same manner as is provided for existing parties.

3 (g) In any year in which districts are reapportioned for the offices of
4 representative in the United States congress, senator and representative in
5 the legislature of the state of Kansas or member of the state board of
6 education:

7 (1) If new boundary lines are defined and districts established in the
8 manner prescribed by law on or before May 10, nomination petitions for
9 nomination to such offices shall be signed by voters equal in number to not
10 less than 1% of the total of the current voter registration of the party
11 designated in the district as compiled by the office of the secretary of state.

12 (2) If new boundary lines are defined and districts established in the
13 manner prescribed by law on or after May 11, nomination petitions for
14 nomination to the following offices shall be signed by registered voters of
15 the party designated in the district equal in number to not less than the
16 following:

17 (A) For the office of representative in the United States congress
18 1,000 registered voters;

19 (B) for the office of member of the state board of education 300
20 registered voters;

21 (C) for the office of state senator 75 registered voters; and

22 (D) for the office of state representative 25 registered voters.

23 (h) In any year in which districts are reapportioned for the offices of
24 representative in the United States congress, senator and representative in
25 the legislature of the state of Kansas or member of the state board of
26 education:

27 (1) If new boundary lines are defined and districts established in the
28 manner prescribed by law on or before May 10, the deadline for filing
29 nomination petitions and declarations of intention to become a candidate
30 for such office, accompanied by the fee required by law, shall be 12 noon
31 on June 1, or if such date falls on a Saturday, Sunday or a holiday, then
32 before 12 noon of the next following day that is not a Saturday, Sunday or
33 holiday.

34 (2) If new boundary lines are defined and districts established in the
35 manner prescribed by law on or after May 11, the deadline for filing
36 nomination petitions and declarations of intention to become a candidate
37 for such office, accompanied by the fee required by law, shall be 12 noon
38 on June 10, or if such date falls on a Saturday, Sunday or holiday, then
39 before 12 noon of the next day that is not a Saturday, Sunday or holiday.

40 Sec. 25. K.S.A. 25-209 is hereby amended to read as follows: 25-209.

41 (a) As soon as possible after the filing deadline, the secretary of state shall
42 certify to each county election officer the name and post-office address of
43 each person who has filed valid nomination petitions or a declaration of

1 intent to become a candidate for United States senator or representative or
2 for state office, together with the designation of the office for which each
3 is a candidate and the party or principle which the candidate represents.

4 (b) The county election officer shall ~~forthwith~~, upon receipt thereof,
5 publish for three ~~(3)~~ consecutive weeks in the official paper, a notice
6 which shall set forth under the proper party designation, the title of each
7 national, state, county ~~and~~, township *and municipal* office any part of the
8 district of which is in the county, the names and addresses of all persons
9 certified by the secretary of state as candidates for any national or state
10 office any part of the district of which is in the county and, in addition
11 thereto, the names and addresses of all persons from whom valid
12 nomination papers or declarations have been filed in the county election
13 officer's office, giving the name and address of each, the day of the
14 primary election, the hours during which the polls will be open and stating
15 that the primary election will be held at the regular voting places. Where
16 such voting places are not well established and customarily known the
17 published notice herein provided for shall give the location of such voting
18 places.

19 (c) *The secretary of state shall utilize the procedures established in*
20 *this section to the extent applicable for special district elections conducted*
21 *in the fall of odd-numbered years.*

22 Sec. 26. K.S.A. 25-210 is hereby amended to read as follows: 25-210.
23 The official primary election ballot for national and state offices and the
24 official primary election ballot for county ~~and~~, township *and municipal*
25 offices of each political party shall be arranged on the ballot, printed,
26 voted, and canvassed in the same manner as is now or hereafter provided
27 by law for the arrangement, printing, voting, and canvassing of official
28 general ballots for national and state offices and official general ballots for
29 county ~~and~~, township *and municipal* offices, except as otherwise provided
30 by law.

31 Sec. 27. K.S.A. 25-212 is hereby amended to read as follows: 25-212.
32 ~~In case there are nomination petitions or declarations of intention to~~
33 ~~become a candidate on file for more than one candidate or for more than~~
34 ~~one pair of candidates for governor and lieutenant governor, of the same~~
35 ~~party for any national or state office, the secretary of state shall divide the~~
36 ~~state or appropriate part thereof, into as many divisions as there are names~~
37 ~~to go on such party ballot for that office. Such divisions shall be as nearly~~
38 ~~equal in number of members of such party as is convenient without~~
39 ~~dividing any one county. In making such division the secretary of state~~
40 ~~shall take the alphabetical list of counties in regular order until the~~
41 ~~secretary of state gets the required proportion of party members of such~~
42 ~~party based upon the party affiliation lists as shown by the certificates of~~
43 ~~the respective county election officers, and so on through the list of~~

1 counties until the secretary of state gets the proper proportion of party
2 members in each division. The secretary of state shall also take the
3 alphabetical list of candidates or pairs of candidates in regular order and in
4 certifying to the county election officer the list of names for whom
5 nomination petitions or declarations of intent to become a candidate have
6 been filed, shall place one name or pair of candidates at the head of the list
7 in the first division of counties, another in the second division, and so on
8 with all the candidates for any particular office, so that every candidate or
9 pair of candidates for any office shall be at the head of the list in one
10 division of the state and second in another division thereof, and so forth.
11 When, in the case of candidates for the office of congressman, district
12 judge, district magistrate judge, state senator, state representative or state
13 board of education member, the secretary of state finds that the secretary
14 of state cannot get a fair proportion of party members to give each
15 candidate for congressman, district judge, district magistrate judge, state
16 senator, state representative or state board of education member in any
17 given district an equitable or fair opportunity to have the candidate's name
18 first on the ballot in the respective counties of the district, the secretary of
19 state shall order the county election officers in the various counties of the
20 district to rotate the names of the candidates for such district offices
21 according to precinct. If voting machines are used the arrangement of
22 names of candidates or pair of candidates for all offices on the voting
23 machines shall be rotated, as near as may be, according to precinct (a) *The*
24 *secretary of state shall establish an alphabetical order for candidates'*
25 *names for all national, state, county, township and municipal offices to*
26 *appear on ballots to be utilized for both the primary election and the*
27 *general election in all counties. The secretary of state shall, on or before*
28 *May 1 of any election year, draw one letter of the alphabet at random and*
29 *candidates whose surnames begin with such letter shall have their names*
30 *listed first on the ballots throughout their districts. The remaining*
31 *candidates' names shall appear on the ballots in the order that the letters*
32 *of the alphabet follow the letter drawn by the secretary of state. The*
33 *drawing shall take place in a public meeting, and notice shall be given*
34 *through press announcements and notices posted on the secretary of*
35 *state's web site.*

36 The arrangement of the names certified by the secretary of state shall
37 govern the county election officer in arranging the primary election ballot,
38 and the county election officer in preparing the ballot for such officer's
39 county shall follow the same arrangement as provided in this section for
40 the secretary of state, for the candidates nominated for county offices,
41 using the township and precincts of the county in making the division.

42 (b) *The secretary of state shall utilize the same procedure in*
43 *subsection (a) to establish the alphabetical order for candidates for*

1 *special district primary elections and general elections in odd-numbered*
 2 *years.*

3 (c) *The secretary of state shall establish the ballot styles for primary*
 4 *elections for special districts in odd-numbered years by rules and*
 5 *regulations.*

6 Sec. 28. K.S.A. 2014 Supp. 25-213 is hereby amended to read as
 7 follows: 25-213. (a) At all national and state primary elections, the
 8 national and state offices as specified for each in this section shall be
 9 printed upon the official primary election ballot for national and state
 10 offices and the county~~and~~, township *and municipal* offices as specified for
 11 each in this section shall be printed upon the official primary election
 12 ballot for county~~and~~, township *and municipal* offices.

13 (b) The official primary election ballots shall have the following
 14 heading:

15 OFFICIAL PRIMARY ELECTION BALLOT

16 _____ Party

17 To vote for a person whose name is printed on the ballot make a cross
 18 or check mark in the square at the left of the person's name. To vote for a
 19 person whose name is not printed on the ballot, write the person's name in
 20 the blank space, if any is provided, and make a cross or check mark in the
 21 square to the left.

22 The words national and state or the words county~~and~~, township *and*
 23 *municipal* shall appear on the line preceding the part of the form shown
 24 above.

25 The form shown shall be followed by the names of the persons for
 26 whom nomination petitions or declarations have been filed according to
 27 law for political parties having primary elections, and for the national and
 28 state offices in the following order: United States senator, United States
 29 representative from _____ district, governor and lieutenant governor,
 30 secretary of state, attorney general, state treasurer, commissioner of
 31 insurance, senator _____ district, representative _____ district, district
 32 judge _____ district, district magistrate judge _____ district, district
 33 attorney _____ judicial district, and member state board of education
 34 _____ district. For county~~and~~, township *and municipal* offices the form
 35 shall be followed by the names of persons for whom nomination petitions
 36 or declarations have been filed according to law for political parties having
 37 primary elections in the following order: Commissioner _____ district,
 38 county clerk, treasurer, register of deeds, county attorney, sheriff, township
 39 trustee, township treasurer, township clerk, *unified school district, city and*
 40 *consolidated city-county*. When any office is not to be elected, it shall be
 41 omitted from the ballot. Other offices to be elected but not listed, shall be
 42 inserted in the proper places. For each office there shall be a statement of
 43 the number to vote for.

1 To the left of each name there shall be printed a square. Official
2 primary election ballots may be printed in one or more columns. The
3 names certified by the secretary of state or county election officer shall be
4 printed on official primary election ballots and no others. In case there are
5 no nomination petitions or declarations on file for any particular office, the
6 title to the office shall be printed on the ballot followed by a blank line
7 with a square, and such title, followed by a blank line, may be printed in
8 the list of candidates published in the official paper. No blank line shall be
9 printed following any office where there are nomination petitions or
10 declarations on file for the office except following the offices of precinct
11 committeeman and precinct committeewoman.

12 (c) Except as otherwise provided in this section, no person's name
13 shall be printed more than once on either the official primary election
14 ballot for national and state offices or the official primary election ballot
15 for county and township offices. No name that is printed on the official
16 primary election ballot as a candidate of a political party shall be printed or
17 written in as a candidate for any office on the official primary election
18 ballot of any other political party. If a person is a candidate for the
19 unexpired term for an office, the person's name may be printed on the
20 same ballot as a candidate for the next regular term for such office. The
21 name of any candidate on the ballot may be printed on the same ballot as
22 such candidate and also as a candidate for precinct committeeman or
23 committeewoman. No name that is printed on the official primary election
24 ballot for national and state offices shall be printed or written in elsewhere
25 on such ballot or on the official primary election ballot for county and
26 township offices except for precinct committeeman or committeewoman
27 *or for a municipal office*. No name that is printed on the official primary
28 election ballot for county and township offices shall be printed or written
29 in on the official primary election ballot for national and state offices or
30 elsewhere on such county and township ballot except for precinct
31 committeeman or committeewoman.

32 (d) No person shall be elected to the office of precinct committeeman
33 or precinct committeewoman where no nomination petitions or
34 declarations have been filed, unless the person receives at least five write-
35 in votes. As a result of a primary election, no person shall receive the
36 nomination and no person's name shall be printed on the official general
37 election ballot when no nomination petitions or declarations were filed,
38 unless the person receives votes equal in number to not less than 5% of the
39 total of the current voter registration designated in the state, county or
40 district in which the office is sought, as compiled by the office of the
41 secretary of state, except that a candidate for township office may receive
42 the nomination and have such person's name printed on the ballot where
43 no nomination petitions or declarations have been filed if such candidate

1 receives three or more write-in votes. No such person shall be required to
2 obtain more than 5,000 votes.

3 Sec. 29. K.S.A. 25-610 is hereby amended to read as follows: 25-610.

4 ~~The secretary of state shall furnish to each county election officer forms
5 for ballots in their respective counties. The secretary of state shall prepare
6 a rotation of the different candidates appearing on the official general
7 ballot for the national and state offices for each such office. Such rotation
8 shall be developed and arranged so that each candidate shall have an equal
9 opportunity as near as practicable for the respective offices to which they
10 are nominated. In case there is more than one candidate for any national or
11 state office, the secretary of state shall divide the state or part thereof, into
12 as many divisions as there are names to go on the ballot for each particular
13 office. In making such division the secretary of state shall divide, in
14 regular order, the alphabetical list of counties into the required number of
15 divisions, in such a manner that all divisions are as nearly equal as
16 convenient in the number of registered voters in such division as compiled
17 by the office of the secretary of state. The secretary of state, in certifying
18 the list of names of candidates to the county election officers, shall assign,
19 in regular order from the alphabetical list of candidates for each office, the
20 ballot position for each candidate in such a manner that every candidate
21 for any office shall occupy a different ballot position in each division.
22 When, in the case of candidates for national or state offices elected on less
23 than a statewide basis, the secretary of state finds it impossible to make a
24 division which allows each such candidate in any given district an
25 equitable or fair opportunity to have such candidate's name first on the
26 ballot in the respective counties of the district, the secretary of state shall
27 order the county election officers in the various counties of the district to
28 rotate the names of the candidates for such district offices according to
29 precinct to obtain an equitable division. The names of candidates for the
30 same office but for different terms of service therein shall be arranged in
31 groups according to the length of their respective terms (a) For all
32 national state, county, township and municipal offices, the secretary of
33 state shall utilize the alphabetical order for candidates' names to appear
34 on ballots in all counties established under K.S.A. 25-212, and
35 amendments thereto.~~

36 In the case of the governor and lieutenant governor running together,
37 when the word "candidate" is used in this section, it shall mean pair of
38 candidates.

39 *(b) The secretary of state shall establish the general election ballot
40 styles for general elections in odd-numbered year elections for special
41 districts and certain municipalities by rules and regulations.*

42 Sec. 30. K.S.A. 2014 Supp. 25-611 is hereby amended to read as
43 follows: 25-611. (a) The arrangement of offices on the official general

1 ballot for national and state offices for those offices to be elected shall be
 2 in the following order: Names of candidates for the offices of president
 3 and vice-president, United States senator, United States representative
 4 _____ district, governor and lieutenant governor running together,
 5 secretary of state, attorney general, (and any other officers elected from the
 6 state as a whole), state senator _____ district, state representative _____
 7 district, district judge _____ district, district magistrate judge _____
 8 district, district attorney _____ judicial district, and state board of
 9 education member _____ district.

10 (b) The arrangement of offices on the official general ballot for
 11 county ~~and~~, township *and municipal* offices for those offices to be elected
 12 shall be in the following order: Names of candidates for county
 13 commissioner _____ district, county clerk, county treasurer, register of
 14 deeds, county attorney, sheriff, township trustee, township treasurer,
 15 township clerk, *unified school district, city and consolidated city-county.*

16 (c) *The arrangement of offices on the general ballot for special*
 17 *districts and certain municipalities in odd-numbered year elections shall*
 18 *be established by the secretary of state by rules and regulations.*

19 Sec. 31. K.S.A. 2014 Supp. 25-618 is hereby amended to read as
 20 follows: 25-618. The official general ballot for county ~~and~~, township *and*
 21 *municipal* offices may be separate from the official general ballot for
 22 national and state offices or may be combined with the official general
 23 ballot provided for in K.S.A. 25-601 and amendments thereto. The
 24 secretary of state shall prescribe the ballot format but the ballot shall be
 25 substantially in the form shown in this section and K.S.A. 25-611, and
 26 amendments thereto.

27 STATE OF KANSAS
 28 OFFICIAL GENERAL BALLOT
 29 County and Township Offices
 30 County of _____, City (or Township) of _____
 31 November _____, _____ year
 32 -----

33 To vote for a person, make a cross or check mark in the square at the
 34 left of the person's name. To vote for a person whose name is not printed
 35 on the ballot, write the person's name in the blank space and make a cross
 36 or check mark in the square to the left.

37 _____
 38 FOR COUNTY COMMISSIONER
 39 _____ DISTRICT

40 Vote for One
 41 _____
 42 _____
 43 _____

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FOR COUNTY CLERK

Vote for One

- _____
- _____
- _____

FOR COUNTY TREASURER

Vote for One

- _____
- _____
- _____

And continuing in like manner for all county and township offices to be elected.

Sec. 32. K.S.A. 25-1115 is hereby amended to read as follows: 25-1115. (a) "General election" means the ~~election~~ *elections* held on the Tuesday ~~succeeding~~ *following* the first Monday in November of *both* even-numbered *and odd-numbered* years, ~~the elections held for officers on the first Tuesday in April~~, and in the case of special elections of any officers to fill vacancies, the election at which any such officer is finally elected.

(b) "Primary election" means the ~~election~~ *elections* held on the first Tuesday in August of *both* even-numbered *and odd-numbered* years, ~~the election held five weeks preceding the election on the first Tuesday in April~~, and any other preliminary election at which part of the candidates for special election to any national, state, county, city ~~or~~, school, *municipal or special district* office are eliminated by the process of the election but at which no officer is finally elected.

Sec. 33. K.S.A. 2014 Supp. 25-1122 is hereby amended to read as follows: 25-1122. (a) Any registered voter may file with the county election officer where ~~such~~ *the* person is a resident, or where ~~such~~ *the* person is authorized by law to vote as a former precinct resident, an application for an advance voting ballot. The signed application shall be transmitted only to the county election officer by personal delivery, mail, facsimile or as otherwise provided by law.

(b) If the registered voter is applying for an advance voting ballot to be transmitted in person, ~~such~~ *the* voter shall provide identification pursuant to K.S.A. 25-2908, and amendments thereto.

(c) If the registered voter is applying for an advance voting ballot to be transmitted by mail, ~~such~~ *the* voter shall provide with the application for an advance voting ballot the voter's current and valid Kansas driver's license number, nondriver's identification card number or a photocopy of any other identification provided by K.S.A. 25-2908, and amendments thereto.

1 (d) A voter may vote a provisional ballot according to K.S.A. 25-409,
2 and amendments thereto, if:

3 (1) The voter is unable or refuses to provide current and valid
4 identification; or

5 (2) the name and address of the voter provided on the application for
6 an advance voting ballot do not match the voter's name and address on the
7 registration book. The voter shall provide a valid form of identification as
8 defined in K.S.A. 25-2908, and amendments thereto, to the county election
9 officer in person or provide a copy by mail or electronic means before the
10 meeting of the county board of canvassers. At the meeting of the county
11 board of canvassers the county election officer shall present copies of
12 identification received from provisional voters and the corresponding
13 provisional ballots. If the county board of canvassers determines that a
14 voter's identification is valid and the provisional ballot was properly cast,
15 the ballot shall be counted.

16 (e) No county election officer shall provide an advance voting ballot
17 to a person who is requesting an advance voting ballot to be transmitted by
18 mail unless:

19 (1) The county election official verifies that the signature of the
20 person matches that on file in the county voter registration records.
21 Signature verification may occur by electronic device or by human
22 inspection. In the event that the signature of a person who is requesting an
23 advance voting ballot does not match that on file, the county election
24 officer shall attempt to contact the person and shall offer the person
25 another opportunity to provide ~~such~~ the person's signature for the purposes
26 of verifying the person's identity. If the county election officer is unable to
27 reach the person, the county election officer may transmit a provisional
28 ballot, however, such provisional ballot may not be counted unless a
29 signature is included therewith that can be verified; and

30 (2) the person provides such person's full Kansas driver's license
31 number, Kansas nondriver's identification card number issued by the
32 division of vehicles, or submits such person's application for an advance
33 voting ballot and a copy of identification provided by K.S.A. 25-2908, and
34 amendments thereto, to the county election officer for verification. If a
35 person applies for an advance voting ballot to be transmitted by mail but
36 fails to provide identification pursuant to this subsection or the
37 identification of ~~such~~ the person cannot be verified by the county election
38 officer, the county election officer shall provide information to ~~such~~ the
39 person regarding the voter rights provisions of subsection (d) and shall
40 provide ~~such~~ the person an opportunity to provide identification pursuant
41 to this subsection. For the purposes of this act, Kansas state offices and
42 offices of any subdivision of the state will allow any person seeking to
43 vote by an advance voting ballot the use of a photocopying device to make

1 one photocopy of an identification document at no cost.

2 (f) Applications for advance voting ballots to be transmitted to the
3 voter by mail shall be filed only at the following times:

4 (1) For the primary election occurring on the first Tuesday in August
5 in *both* even-numbered *and* *odd-numbered* years, ~~between April 1 of such~~
6 ~~year and the last business day of the week preceding such primary~~
7 ~~election.~~

8 (2) For the general election occurring on the Tuesday ~~succeeding~~
9 *following* the first Monday in November in *both* even-numbered *and* *odd-*
10 *numbered* years, between 90 days prior to such election and the last
11 business day of the week preceding such general election.

12 (3) ~~For the primary election held five weeks preceding the first~~
13 ~~Tuesday in April, between January 1 of the year of such election and the~~
14 ~~last business day of the week preceding such primary election.~~

15 (4) ~~For the general election occurring on the first Tuesday in April,~~
16 ~~between January 1 of the year of such election and the last business day of~~
17 ~~the week preceding such general election.~~

18 (5) (3) For question submitted elections occurring on the date of a
19 primary or general election, the same as is provided for ballots for election
20 of officers at such election.

21 (6) (4) For question submitted elections not occurring on the date of a
22 primary or general election, between the time of the first published notice
23 thereof and the last business day of the week preceding such question
24 submitted election, except that if the question submitted election is held on
25 a day other than a Tuesday, the county election officer shall determine the
26 final date for mailing of advance voting ballots, but such date shall not be
27 more than three business days before such election.

28 (7) (5) For any special election of officers, at such time as is specified
29 by the secretary of state.

30 (8) (6) For the presidential preference primary, between January 1 of
31 the year in which such primary is held and the last business day of the
32 week preceding such primary election.

33 The county election officer of any county may receive applications
34 prior to the time specified in this subsection and hold such applications
35 until the beginning of the prescribed application period. Such applications
36 shall be treated as filed on that date.

37 (g) Unless an earlier date is designated by the county election office,
38 applications for advance voting ballots transmitted to the voter in person in
39 the office of the county election officer shall be filed on the Tuesday next
40 preceding the election and on each subsequent business day until no later
41 than 12:00 noon on the day preceding such election. If the county election
42 officer so provides, applications for advance voting ballots transmitted to
43 the voter in person in the office of the county election officer also may be

1 filed on the Saturday preceding the election. Upon receipt of any such
2 properly executed application, the county election officer shall deliver to
3 the voter such ballots and instructions as are provided for in this act.

4 An application for an advance voting ballot filed by a voter who has a
5 temporary illness or disability or who is not proficient in reading the
6 English language or by a person rendering assistance to such voter may be
7 filed during the regular advance ballot application periods until the close
8 of the polls on election day.

9 The county election officer may designate places other than the central
10 county election office as satellite advance voting sites. At any satellite
11 advance voting site, a registered voter may obtain an application for
12 advance voting ballots. ~~Such~~ Ballots and instructions shall be delivered to
13 the voter in the same manner and subject to the same limitations as
14 otherwise provided by this subsection.

15 (h) Any person having a permanent disability or an illness which has
16 been diagnosed as a permanent illness is hereby authorized to make an
17 application for permanent advance voting status. Applications for
18 permanent advance voting status shall be in the form and contain such
19 information as is required for application for advance voting ballots and
20 also shall contain information which establishes the voter's right to
21 permanent advance voting status.

22 (i) On receipt of any application filed under the provisions of this
23 section, the county election officer shall prepare and maintain in such
24 officer's office a list of the names of all persons who have filed such
25 applications, together with their correct post office address and the
26 precinct, ward, township or voting area in which ~~such~~ *the* persons claim to
27 be registered voters or to be authorized by law to vote as former precinct
28 residents and the present resident address of each applicant. ~~Such~~ Names
29 and addresses shall remain so listed until the day of such election. The
30 county election officer shall maintain a separate listing of the names and
31 addresses of persons qualifying for permanent advance voting status. All
32 such lists shall be available for inspection upon request in compliance with
33 this subsection by any registered voter during regular business hours. The
34 county election officer upon receipt of ~~such~~ *the* applications shall enter
35 upon a record kept by such officer the name and address of each applicant,
36 which record shall conform to the list above required. Before inspection of
37 any advance voting ballot application list, the person desiring to make
38 ~~such~~ *the* inspection shall provide to the county election officer
39 identification in the form of driver's license or other reliable identification
40 and shall sign a log book or application form maintained by ~~such~~ *the*
41 officer stating ~~such~~ *the* person's name and address and showing the date
42 and time of inspection. All records made by the county election officer
43 shall be subject to public inspection, except that the voter identification

1 information required by subsections (b) and (c) and the identifying number
 2 on ballots and ballot envelopes and records of such numbers shall not be
 3 made public.

4 (j) If a person on the permanent advance voting list fails to vote in
 5 ~~two~~ *four* consecutive general elections held on the Tuesday succeeding the
 6 first Monday in November of each even-numbered *and odd-numbered*
 7 year, the county election officer may mail a notice to such voter. ~~Such~~ *The*
 8 notice shall inform the voter that the voter's name will be removed from
 9 the permanent advance voting list unless the voter renews the application
 10 for permanent advance voting status within 30 days after the notice is
 11 mailed. If the voter fails to renew such application, the county election
 12 officer shall remove the voter's name from the permanent advance voting
 13 list. Failure to renew the application for permanent advance voting status
 14 shall not result in removal of the voter's name from the voter registration
 15 list.

16 (k) The secretary of state may adopt rules and regulations in order to
 17 implement the provisions of this section and to define valid forms of
 18 identification.

19 Sec. 34. K.S.A. 25-2006 is hereby amended to read as follows: 25-
 20 2006. (a) "General election" means the election held for school officers on
 21 ~~the first Tuesday in April in any odd-numbered year,~~ *Tuesday following*
 22 *the first Monday in November of even-numbered years,* and in the case of
 23 special elections of any school officers to fill vacancies, the election at
 24 which any such officer is finally elected.

25 (b) "Primary election" means the election held ~~five weeks preceding~~
 26 ~~the election~~ on the first Tuesday in ~~April~~ *following the first Monday in*
 27 *August of each even-numbered year,* and any other preliminary election at
 28 which part of the candidates for special election to any school office are
 29 eliminated by the process of the election but at which no officer is finally
 30 elected.

31 Sec. 35. K.S.A. 25-2007 is hereby amended to read as follows: 25-
 32 2007. (a) "Question submitted election" means any election at which a
 33 special question is to be voted on by the electors of the state or a part of
 34 them.

35 (b) "County election officer" means:

36 (1) The election commissioner of the home county of the school
 37 district if such county has an election commissioner;

38 (2) the county clerk of the home county of the school district if the
 39 county does not have an election commissioner; *and*

40 (3) the county clerk ~~(or the election commissioner if there is one),~~ of
 41 the county in which all or the greater part of the population is located in
 42 the case of a nonunified school district. In the event that doubt exists
 43 concerning which public officer is the county election officer under this

1 subpart, the secretary of state shall specify such officer and such
2 specification shall be conclusive.

3 (c) "~~Filing deadline~~" means ~~the hour, date or time after which it is~~
4 ~~provided by law no person may become a candidate for election to public~~
5 ~~office; for school elections the filing deadline is 12:00 o'clock noon on the~~
6 ~~Tuesday which precedes by 10 weeks the first Tuesday in April of any~~
7 ~~odd-numbered year the deadline established in K.S.A. 25-205, and~~
8 ~~amendments thereto.~~

9 Sec. 36. K.S.A. 25-2010 is hereby amended to read as follows: 25-
10 2010. (a) Election of board members and question submitted elections
11 shall be conducted by the county election officer of the home county of the
12 school district. Board member general elections shall be held on the ~~first~~
13 ~~Tuesday in April of each odd-numbered year. If a primary election is~~
14 ~~required to be held, such Tuesday following the first Monday in November~~
15 ~~of even-numbered years. A primary election shall be held on the first~~
16 ~~Tuesday preceding by five weeks the first Tuesday in April of odd-~~
17 ~~numbered years in August of even-numbered years.~~

18 (b) *School district elections shall be partisan and shall be conducted*
19 *in accordance with article 2 of chapter 25 of the Kansas Statutes*
20 *Annotated, and amendments thereto.*

21 Sec. 37. K.S.A. 25-2014 is hereby amended to read as follows: 25-
22 2014. Names of candidates appearing on the ballots in primary and general
23 school elections shall be listed in the ~~various possible orders in rotation~~
24 ~~order as provided in K.S.A. 25-212, and amendments thereto and K.S.A.~~
25 ~~25-610, and amendments thereto.~~

26 Sec. 38. K.S.A. 25-2017 is hereby amended to read as follows: 25-
27 2017. Consistent with this act the county election officer shall prescribe
28 the form ~~and time~~ of every publication notice applicable to any primary or
29 general school election.

30 Sec. 39. K.S.A. 25-2018 is hereby amended to read as follows: 25-
31 2018. (a) Notices of board member elections and question submitted
32 elections of a school district shall be made as provided in this section.

33 (b) ~~On or before January 15~~ *At the time and in the manner prescribed*
34 *in K.S.A. 25-204, and amendments thereto,* the county election officer shall
35 publish a notice of election one time in a newspaper having general
36 circulation in the school district. The notice for board member elections
37 shall state: (1) The name of the school district; (2) the date of the general
38 election; (3) the date of the primary election if one is held; (4) the filing
39 deadline and the place of filing; and (5) the offices or positions to be
40 filled.

41 (c) All notices provided for by this section shall be given in the form
42 prescribed by the secretary of state to the extent that any notice or part
43 thereof is prescribed by the secretary of state. The provisions of this

1 section shall not be construed to require the secretary of state to prescribe
2 any particular form.

3 (d) ~~Not less than six weeks prior to the first Tuesday in April~~ *At the*
4 *time and in the manner prescribed in K.S.A. 25-209, and amendments*
5 *thereto*, a notice of primary elections shall be published by the county
6 election officer in a newspaper having general circulation in the school
7 district, if a primary election is required to be held. The publication shall
8 be made one time and shall state: (1) The name of the school district;; (2)
9 the date of the primary election;; (3) the names of the candidates and the
10 office or position for which each is a candidate;; (4) the voting place or
11 places and the area each voting place is to serve;; *and* (5) the times of
12 opening and closing of the polls. Description of areas shall be in the terms
13 determined by the county election officer.

14 (e) ~~Not less than three days prior to the first Tuesday in April~~ *At the*
15 *time and in the manner prescribed in K.S.A. 25-209, and amendments*
16 *thereto*, a notice of the general election shall be published by the county
17 election officer one time in a newspaper having general circulation in the
18 school district. The notice shall state: (1) The name of the school district;;
19 (2) the date of the general election;; (3) the names of the candidates and
20 the office or position for which each is a candidate;; (4) the voting place or
21 places and the area each voting place is to serve;; *and* (5) the time of
22 opening and closing of polls. Description of areas shall be in such terms as
23 may be determined by the county election officer.

24 (f) Notice of any question submitted election of any school district
25 shall be made in the manner provided by K.S.A. 10-120, and amendments
26 thereto. The notice shall state: (1) the name of the school district;; (2) the
27 date of the election;; (3) the amount of bonds to be issued, if a bond
28 election;; (4) the proposition to be voted upon;; (5) the hours of opening
29 and closing of the polls;; (6) the voting place or places and the area each
30 voting place is to serve;; *and* (7) any other information specifically
31 required by law. Description of areas shall be in the terms determined by
32 the county election officer.

33 Sec. 40. K.S.A. 2014 Supp. 25-2020 is hereby amended to read as
34 follows: 25-2020. (a) When a district method of election is in effect in any
35 school district, a person may become a candidate for election to board
36 member by any one of the following methods:

37 (1) Any person who is an elector in any member district may petition
38 to be a candidate for board member from the member district in which
39 such person resides. Any such person shall file with the county election
40 officer, a petition for such candidacy signed by not less than 50 electors
41 residing in such member district or by a number of such electors equal to
42 not less than 10% of the electors residing in such member district,
43 whichever is less.

1 (2) Any person who is an elector in any school district may petition to
2 be a candidate for board member at-large from the school district in which
3 such person resides. Any such person shall file with the county election
4 officer, a petition for such candidacy signed by not less than 50 electors
5 residing in such school district.

6 (3) Any person who is an elector in any member district may become
7 a candidate for board member from the member district in which such
8 person resides by filing with the county election officer a declaration of
9 intention to become such a candidate, and payment therewith of a filing
10 fee in the amount of ~~\$5~~ \$20. Such declaration shall be prescribed by the
11 secretary of state.

12 (4) Any person who is an elector in any school district may become a
13 candidate for board member at-large from the school district in which such
14 person resides by filing with the county election officer a declaration of
15 intention to become such a candidate, and payment therewith of a filing
16 fee in the amount of ~~\$5~~ \$20. Such declaration shall be prescribed by the
17 secretary of state.

18 (5) Any such petition or declaration shall specify the member position
19 for which the person is a candidate.

20 (b) When the election at large method is in effect in any school
21 district, a person may become a candidate for election to board member by
22 either one of the following methods:

23 (1) Any person who is an elector of the school district may petition to
24 be a candidate for board member. Any such person shall file with the
25 county election officer a petition for such candidacy signed by not less
26 than 50 electors residing in the school district.

27 (2) Any person who is an elector in the unified school district may
28 become a candidate for board member by filing with the county election
29 officer a declaration of intention to become such a candidate, and payment
30 therewith of a filing fee in the amount of ~~\$5~~ \$20. Such declaration shall be
31 prescribed by the secretary of state.

32 (3) Any such petition or declaration which is for an unexpired term of
33 a member shall so specify.

34 (c) Any such petition or declaration of intent must be filed before the
35 filing deadline *as prescribed in K.S.A. 25-205, and amendments thereto*.
36 No candidate shall be permitted to withdraw from candidacy after the
37 filing deadline.

38 (d) Within three days from the date of the filing of a nomination
39 petition or a declaration of intention to become a candidate for board
40 member, the county election officer shall determine the validity of such
41 petition or declaration.

42 (e) If a nomination petition or declaration is found to be invalid, the
43 county election officer shall notify the candidate on whose behalf the

1 petition or declaration was filed that such nomination petition or
 2 declaration has been found to be invalid and the reason for the finding.
 3 Such candidate may make objection to the finding of invalidity by the
 4 county election officer in accordance with K.S.A. 25-308, and
 5 amendments thereto.

6 Sec. 41. K.S.A. 25-2022 is hereby amended to read as follows: 25-
 7 2022. Any board shall have power to fill by appointment any vacancy
 8 which occurs thereon, and such appointee shall serve for the unexpired
 9 term. When a vacancy occurs, the board shall publish a notice one time in
 10 a newspaper having general circulation in the school district stating that
 11 the vacancy has occurred and that it will be filled by appointment by the
 12 board not sooner than ~~fifteen (15)~~ 15 days after such publication. If such
 13 vacancy occurs before ~~January 1 of an odd-numbered year~~ *May 1 of the*
 14 *second year of the term* leaving an unexpired term of more than two years
 15 such appointee shall serve until the ~~July 1~~ *second Monday in January* after
 16 the following general school election as provided in K.S.A. 25-2023, ~~or~~
 17 ~~any and~~ amendments thereto.

18 In the latter event, the unexpired term of two years commencing ~~July~~
 19 ~~on the second Monday in January~~ after the following general school
 20 election shall be filled at such election and the ballots or ballot labels and
 21 returns of election with respect to such office shall be designated as
 22 follows: "To fill the unexpired term."

23 Sec. 42. K.S.A. 25-2023 is hereby amended to read as follows: 25-
 24 2023. ~~Each board member shall qualify by filing an oath of office with the~~
 25 ~~election officer not later than ten (10) days~~ *The term of office of each*
 26 *board member shall commence on the second Monday in January*
 27 ~~following the date of the election, or not later than five (5) days after~~
 28 ~~issuance of such member's certificate of election, whichever is the later~~
 29 ~~date. Each board member shall take office on the July 1 following the~~
 30 ~~general school election. Each member elected shall qualify by filing an~~
 31 *oath of office with the county election office.* Each member elected to a
 32 board of education shall hold office until a successor is elected or
 33 appointed and qualified and shall serve for a term of four ~~(4)~~ years.

34 Sec. 43. K.S.A. 2014 Supp. 25-2102 is hereby amended to read as
 35 follows: 25-2102. (a) "General election" means the ~~election~~ *elections* held
 36 on the Tuesday succeeding the first Monday in November of *both* even-
 37 numbered *and odd-numbered* years, ~~the elections held for officers on the~~
 38 ~~first Tuesday in April~~, and in the case of special elections of any officers to
 39 fill vacancies, the election at which any such officer is finally elected.

40 (b) "Primary election" means the ~~election~~ *elections* held on the first
 41 Tuesday in August of *both* even-numbered *and odd-numbered* years, ~~the~~
 42 ~~election held five weeks preceding the election on the first Tuesday in~~
 43 ~~April~~, and any other preliminary election at which part of the candidates

1 for special election to any national, state, county, city ~~or~~, school *or*
 2 *municipal* office are eliminated by the process of the election but at which
 3 no officer is finally elected.

4 (c) "District method" means the election of city officers where the
 5 city is divided into member districts or wards.

6 (d) "Election at large method" means the election of city officers
 7 without member districts or wards.

8 Sec. 44. K.S.A. 25-2107 is hereby amended to read as follows: 25-
 9 2107. The general election of city officers shall be held on the ~~first~~
 10 ~~Tuesday in April. Except as otherwise provided by law or as provided by~~
 11 ~~charter ordinance passed after April 30, 1968, pursuant to article 12,~~
 12 ~~section 5, of the constitution of Kansas, every city shall have an election of~~
 13 ~~city officers in odd-numbered years only, and the terms of city officers~~
 14 ~~shall be two (2) years. Provided, however, That the provisions of this~~
 15 ~~section shall not invalidate, repeal or otherwise affect any charter~~
 16 ~~ordinance of any city of the third class having a population of not less than~~
 17 ~~one thousand five hundred (1,500) nor more than two thousand (2,000)~~
 18 ~~located in a county having a population of not less than fifty thousand~~
 19 ~~(50,000) nor more than one hundred thousand (100,000), which ordinance~~
 20 ~~had become effective prior to April 30, 1968 Tuesday following the first~~
 21 ~~Monday in November of even-numbered years.~~

22 (b) *A primary shall be held on the first Tuesday in August of each*
 23 *even-numbered and odd-numbered year as prescribed in K.S.A. 25-202,*
 24 *and amendments thereto.*

25 (c) *Any city may hold elections for city officers at the primary and*
 26 *general elections in odd-numbered years for the purpose of staggering*
 27 *terms of office or where a three-year term of office is provided.*

28 Sec. 45. K.S.A. 2014 Supp. 25-2108a is hereby amended to read as
 29 follows: 25-2108a. (a) There shall be a primary election of city officers on
 30 the ~~first Tuesday preceding by five weeks the first Tuesday in April of~~
 31 ~~every year that such city has a city election, except as otherwise provided~~
 32 ~~in subsection (b) or subsection (c) of this section in August of each even-~~
 33 ~~numbered and odd-numbered year.~~

34 (b) In cities in which a district method of election is in effect, if there
 35 are more than three qualified candidates for any member district, the
 36 county election officer shall call, and there shall be held, a primary
 37 election in each such member district. The names of the two candidates
 38 receiving the greatest number of votes for any such member district at the
 39 primary election shall appear on the ballots in the general election. If there
 40 are three or fewer qualified candidates for any member district there shall
 41 not be a primary election and the names of the candidates shall be placed
 42 on the ballots in the general election.

43 (c) In cities in which the election at large method of election is in

1 effect, if there are more than three times the number of candidates as there
2 are members to be elected, the county election officer shall call, and there
3 shall be held, a primary election. The names of twice the number of
4 candidates as there are members to be elected who received the greatest
5 number of votes at the primary election shall appear on the ballots in the
6 general election. If there are not more than three times the number of
7 candidates as there are members to be elected there shall not be a primary
8 election and the names of the candidates shall be placed on the ballots in
9 the general election.

10 (d) On the ballots in general city elections, blank lines for the names
11 of write-in candidates shall be printed at the end of the list of candidates
12 for each different office. The number of blank lines for each elected office
13 shall be equal to the number of candidates to be elected thereto. The
14 purpose of such blank lines shall be to permit the voter to insert the name
15 of any person not printed on the ballot for whom such voter desires to vote
16 for such office. No lines for write-in candidates shall appear on primary
17 city election ballots.

18 Sec. 46. K.S.A. 25-2109 is hereby amended to read as follows: 25-
19 2109. The filing deadline for all city elections shall be ~~12:00 o'clock noon~~
20 ~~of the Tuesday preceding by 10 weeks the first Tuesday in April at 12~~
21 ~~noon on June 1 as provided in K.S.A. 25-205, and amendments thereto.~~

22 Sec. 47. K.S.A. 2014 Supp. 25-2110 is hereby amended to read as
23 follows: 25-2110. (a) ~~In cities of the first and second class, any person~~
24 ~~desiring to become a candidate for a city office elected at large shall file~~
25 ~~with the city clerk before the filing deadline a statement of such candidacy~~
26 ~~on a form furnished by the county election officer as specified by the~~
27 ~~secretary of state. The city clerk of any city upon receiving any filing~~
28 ~~under this section shall record the same and transmit it, together with the~~
29 ~~filing fee or petition herein provided, within three business days to the~~
30 ~~county election officer. In cities of the third class, Any person desiring to~~
31 ~~become a candidate for city office elected at large shall file with the~~
32 ~~county election officer of the county in which the city is located, or of the~~
33 ~~county in which the greater population of the city is located if the city~~
34 ~~extends into more than one county, or the city clerk, before the filing~~
35 ~~deadline, established in K.S.A. 25-205, and amendments thereto, a~~
36 ~~statement declaration of candidacy on a form furnished by the county~~
37 ~~election officer as specified by the secretary of state.~~

38 (b) ~~In cities having a population of less than 5,000, each such filing~~
39 ~~shall be accompanied by a filing fee of \$5 or, in lieu of such filing fee, by a~~
40 ~~petition signed by 25 qualified electors of the city or by a number of such~~
41 ~~qualified electors of the city equal to not less than 10% of the ballots cast~~
42 ~~at the last general city election, whichever is less.~~

43 (c) ~~In cities having a population of not less than 5,000 nor more than~~

1 100,000, each such filing shall be accompanied by a filing fee of \$10 or, in
 2 lieu of such filing fee, by a petition signed by 50 qualified electors of the
 3 city or by a number of such qualified electors of the city equal to not less
 4 than 1% of the ballots cast and counted at the last general city election,
 5 whichever is less.

6 ~~(d)~~ In cities having a population of more than 100,000, each such
 7 filing shall be accompanied by a filing fee of \$50; or, in lieu of such filing
 8 fee, by a petition signed by 100 qualified electors of the city or by a
 9 number of qualified electors of the city equal to 1% of the ballots cast at
 10 the last general city election, whichever is less. *The number of qualified*
 11 *electors of the city which must sign a nomination petition, shall be*
 12 *established by the city governing body by passage of an ordinance.*

13 ~~(e)~~ (c) Within three days from the date of the filing of a nomination
 14 petition or a declaration of intention to become a candidate for a city office
 15 elected at large, the county election officer shall determine the validity of
 16 such petition or declaration.

17 ~~(f)~~ (d) If a nomination petition or declaration is found to be invalid,
 18 the county election officer shall notify the candidate on whose behalf the
 19 petition or declaration was filed that such nomination petition or
 20 declaration has been found to be invalid and the reason for the finding.
 21 Such candidate may make objection to the finding of invalidity by the
 22 county election officer in accordance with K.S.A. 25-308, and
 23 amendments thereto.

24 ~~(g)~~ (e) All city elections shall be conducted by the county election
 25 officer of the county in which such city is located, or of the county in
 26 which the greater population of the city is located if the city extends into
 27 more than one county.

28 Sec. 48. K.S.A. 25-2113 is hereby amended to read as follows: 25-
 29 2113. ~~(a)~~ Except as provided in subsection (b) of this section, City elections
 30 shall be ~~nonpartisan~~ *partisan and shall be conducted in accordance with*
 31 *chapter 25 of the Kansas Statutes Annotated, and amendments thereto.*
 32 Laws applicable to elections occurring at the same time as city elections
 33 shall apply to city elections to the extent that the same are not in conflict
 34 with the provisions of this act.

35 ~~(b)~~ The provisions of this subsection (b) shall apply to cities of the
 36 first class in counties which have been declared urban areas as authorized
 37 by article 2, section 17, of the constitution of Kansas. Election laws of a
 38 general nature which are applicable to partisan elections and which are not
 39 in conflict with this subsection (b) or any specific law applicable to
 40 election of city officers in any city to which this subsection (b) applies,
 41 shall apply to elections held under the provisions of this subsection (b).
 42 The county election officer shall prescribe the forms, ballots and ballot
 43 labels for every election conducted under this subsection (b), and shall

1 ~~make such rules and regulations not inconsistent with this subsection (b) as~~
 2 ~~may be necessary for the conduct of such elections.~~

3 Sec. 49. K.S.A. 25-2115 is hereby amended to read as follows: 25-
 4 2115. Names of candidates appearing on the ballots in primary and general
 5 city elections ~~in cities of the first and second class~~ shall be listed ~~in the~~
 6 ~~various possible orders in rotation as provided in K.S.A. 25-212, and~~
 7 ~~amendments thereto, and K.S.A. 25-610, and amendments thereto.~~

8 Sec. 50. K.S.A. 25-2120 is hereby amended to read as follows: 25-
 9 2120. The county election officer who conducts the city election shall
 10 promptly certify to the city governing body the determination of election
 11 results made by the county board of canvassers. The term of office shall
 12 ~~commence with and include the first regular meeting of the governing~~
 13 ~~body on the second Monday in January~~ following certification of the
 14 election.

15 Every person elected or appointed to city office, before entering upon
 16 the duties of such office, shall take and subscribe an oath or affirmation as
 17 specified in K.S.A. 54-106, *and amendments thereto*, and every such oath
 18 or affirmation shall be filed with the city clerk.

19 Sec. 51. K.S.A. 2014 Supp. 25-2311 is hereby amended to read as
 20 follows: 25-2311. (a) County election officers shall provide for the
 21 registration of voters at one or more places on all days except the
 22 following:

23 (1) Days when the main offices of the county government are closed
 24 for business, except as is otherwise provided by any county election officer
 25 under the provisions of K.S.A. 25-2312, and amendments thereto;

26 (2) days when the main offices of the city government are closed for
 27 business, in the case of deputy county election officers who are city clerks
 28 except as is otherwise provided by any county election officer under the
 29 provisions of K.S.A. 25-2312, and amendments thereto;

30 (3) the 20 days preceding the day of primary and general ~~state~~-
 31 elections;

32 ~~(4) the 20 days preceding the day of primary city and school~~
 33 ~~elections, if either has a primary;~~

34 ~~(5) the 20 days preceding each first Tuesday in April of odd-~~
 35 ~~numbered years, being the day of city and school general elections;~~

36 ~~(6) (4) the 20 days preceding the day of any election other than one~~
 37 ~~specified in paragraphs (3), (4) and (5) of this subsection; and~~

38 ~~(7) (5) the day of any primary or general election or any question~~
 39 ~~submitted election.~~

40 (b) For the purposes of this section in counting days that registration
 41 books are to be closed, all of the days including Sunday and legal holidays
 42 shall be counted.

43 (c) The secretary of state shall notify every county election officer of

1 the dates when registration shall be closed preceding primary and general
 2 ~~state, city and school~~ elections. The days so specified by the secretary of
 3 state shall be conclusive. Such notice shall be given by the secretary of
 4 state by mail at least 60 days preceding every primary and general ~~state,~~
 5 ~~city and school~~ election.

6 (d) The last days before closing of registration books as directed by
 7 the secretary of state under subsection (c) ~~of this section~~, county election
 8 officers shall provide for registration of voters during regular business
 9 hours, during the noon hours and at other than regular business hours upon
 10 such days as the county election officers deem necessary. The last three
 11 business days before closing of registration books prior to ~~state~~ primary
 12 and general elections, county election officers may provide for registration
 13 of voters until 9 p.m. in ~~cities of the first and second class~~ *any city*.

14 (e) County election officers shall accept and process applications
 15 received by voter registration agencies and the division of motor vehicles
 16 not later than the 21st day preceding the date of any election; mailed voter
 17 registration applications that are postmarked not later than the 21st day
 18 preceding the date of any election; or, if the postmark is illegible or
 19 missing, is received in the mail not later than the ninth day preceding the
 20 day of any election.

21 (f) The secretary of state may adopt rules and regulations interpreting
 22 the provisions of this section and specifying the days when registration
 23 shall be open, days when registration shall be closed, and days when it is
 24 optional with the county election officer for registration to be open or
 25 closed.

26 (g) Before each primary and general election held in *both* even-
 27 numbered *and odd-numbered* years, and at times and in a form prescribed
 28 by the secretary of state, each county election officer shall certify to the
 29 secretary of state the number of registered voters in each precinct of the
 30 county as shown by the registration books in the office of such county
 31 election officer.

32 Sec. 52. K.S.A. 25-2502 is hereby amended to read as follows: 25-
 33 2502. (a) "General election" means the ~~election~~ *elections* held on the
 34 Tuesday ~~succeeding~~ *following* the first Monday in November of *both* even-
 35 numbered *and odd-numbered* years, ~~the elections held for officers on the~~
 36 ~~first Tuesday in April~~, and in the case of special elections of any officers to
 37 fill vacancies, the election at which any such officer is finally elected.

38 (b) "Primary election" means the ~~election~~ *elections* held on the first
 39 Tuesday in August of *both* even-numbered *and odd-numbered* years, ~~the~~
 40 ~~election held five weeks preceding the election on the first Tuesday in~~
 41 ~~April~~, and any other preliminary election at which part of the candidates
 42 for special election to any national, state, county, township, city ~~or~~, school,
 43 *municipal or special district* office are eliminated by the process of the

1 election but at which no officer is finally elected.

2 Sec. 53. K.S.A. 25-2804 is hereby amended to read as follows: 25-
3 2804. (a) Each person recommended as provided in ~~subsection (a) of~~
4 K.S.A. 25-2803(a), and amendments thereto, shall be a resident of the area
5 served by the voting place in which such person is to be a judge or clerk.

6 (b) Except as otherwise provided by this subsection, all judges and
7 clerks shall have the qualifications of an elector in the election at which
8 they serve, and no judge or clerk shall be a candidate for any office, other
9 than the office of precinct committeeman or precinct committeewoman, to
10 be elected at such election. The county election officer may appoint
11 persons who are at least 16 years of age to serve as election judges or
12 clerks if such persons meet all other requirements for qualification of an
13 elector *and have a letter of recommendation from a school teacher,*
14 *counselor or administrator.* No more than ~~one person~~ *two persons* under
15 the age of 18 may be appointed to each election board.

16 (c) The county election officer may establish a pool of trained judges
17 and clerks who shall be recommended by the county chairpersons
18 specified in ~~subsection (a) of~~ K.S.A. 25-2803(a), and amendments thereto.
19 Judges and clerks in such pool may serve at voting places other than their
20 own if:

21 (1) The chairpersons specified in ~~subsection (a) of~~ K.S.A. 25-2803(a),
22 and amendments thereto, or either of them, have failed to make
23 appropriate recommendations;

24 (2) it is impossible to obtain judges and clerks for a voting place in
25 any other way; or

26 (3) voting machines are used, in which case the third judge, who shall
27 be trained in the use of voting machines, need not necessarily live in the
28 area of the voting place.

29 (d) Any judge or clerk serving in a voting place not located in the
30 area in which such judge or clerk resides or serving on a special election
31 board established under ~~subsection (e) of~~ K.S.A. 25-1133(c), and
32 amendments thereto, shall be allowed to vote an advance voting ballot in
33 accordance with the provisions of K.S.A. 25-1119, and amendments
34 thereto, or shall be excused from duties as such judge or clerk to vote at
35 the voting place in the area where such judge or clerk resides.

36 Sec. 54. K.S.A. 25-3503 is hereby amended to read as follows: 25-
37 3503. (a) In the event that any vacancy occurs to which this act applies,
38 and such occurrence is not more than ~~ninety (90)~~ 90 days and not less than
39 ~~thirty (30)~~ 30 days before any primary election ~~of state officers,~~
40 the election provided for in this act shall be held on the same date as the
41 primary election ~~of state officers.~~

42 (b) ~~In the event that any vacancy occurs to which this act applies, and~~
43 ~~such occurrence is not more than ninety (90) days and not less than thirty~~

1 ~~(30) days before any regular primary or general election of city and school~~
 2 ~~officers occurring in an odd-numbered year, the election provided for in~~
 3 ~~this act shall be held within such ninety (90) days and on the same date as~~
 4 ~~such primary or general election.~~

5 ~~(e) (b)~~ In the event that any vacancy occurs to which this act applies,
 6 and such occurrence is not more than ~~thirty (30)~~ 30 days before any
 7 primary election ~~of state officers~~ and before the general election ~~of state~~
 8 ~~officers~~, at such general election votes cast for the office ~~of congressman~~
 9 *for members of congress* in the district in which such vacancy has occurred
 10 shall be deemed to be cast to fill the vacancy for the unexpired term, as
 11 well as for the election for the next regular term. The governor shall
 12 proclaim the date of the election to be the same as the general election ~~of~~
 13 ~~state officers.~~

14 ~~(d) (c)~~ In the event that any vacancy occurs to which this act applies,
 15 on or after the date of any general election ~~of state officers~~ and before the
 16 term of office in which the vacancy has occurred expires, votes cast for the
 17 office ~~of congressman~~ *for members of congress* in the district in which
 18 such vacancy occurs shall be deemed to have been cast to fill such vacancy
 19 for the unexpired term, as well as for election for the next regular term.
 20 The governor's approval of this act shall be deemed to proclaim that every
 21 regular election of a representative to the United States congress shall be
 22 an election for the unexpired term if any should occur, as well as election
 23 for the next regular term. In cases to which subsection ~~(e) of this section~~
 24 ~~(b)~~ or this subsection applies, the person elected for the next regular term
 25 shall be deemed to have been elected for the balance of the unexpired term
 26 also.

27 Sec. 55. K.S.A. 2014 Supp. 25-3801 is hereby amended to read as
 28 follows: 25-3801. (a) At each primary election *held in August of a*
 29 *presidential election year*, the members of the party residing in each
 30 precinct in each county of the state shall elect a man of their number as
 31 precinct committeeman and a woman of their number as precinct
 32 committeewoman *to serve four-year terms*. No person shall be eligible to
 33 be a candidate for or hold the office of precinct committeeman or precinct
 34 committeewoman of a party in any precinct unless such person actually
 35 lives, resides and occupies a place of abode in such precinct, and is in all
 36 other respects a qualified elector and is shown as a member of such party
 37 on the party affiliation list, in the office of the county election officer.
 38 Except as provided in subsection (b), any vacancy occurring in the office
 39 of precinct committeeman or committeewoman shall be promptly filled by
 40 appointment by the county chairperson, except that any vacancy which
 41 occurs because the party had no candidate at such primary election shall
 42 not be filled until the county central committee has elected or reelected its
 43 chairperson. Not later than three days after appointment of precinct

1 committeemen and committeewomen, the county chairperson making the
 2 appointments shall notify the county election officer of such appointments.
 3 The county election officer shall make such appointments public
 4 immediately upon receipt thereof. As used in this act, "primary election"
 5 means the statewide *presidential* election held in August of even-
 6 numbered years.

7 (b) When a convention is to be held under article 39 of chapter 25 of
 8 Kansas Statutes Annotated, *and amendments thereto*, to fill a vacancy, no
 9 appointments shall be made under subsection (a): (1) After the county
 10 chairperson has received notice from the county election officer of a
 11 vacancy or a pending vacancy in a county elected office; or (2) after the
 12 county chairperson in each county, all or a part of which, is located within
 13 a legislative district has received notice from the secretary of state of a
 14 vacancy or a pending vacancy in a legislative office.

15 After the vacancy has been filled by a person elected at a convention
 16 held under article 39 of chapter 25 of the Kansas Statutes Annotated, *and*
 17 *amendments thereto*, any vacancy in the office of precinct committeeman
 18 or committeewoman shall be filled as provided by subsection (a).

19 Sec. 56. K.S.A. 2014 Supp. 42-706 is hereby amended to read as
 20 follows: 42-706. (a) The officers of such district shall be a board of
 21 directors consisting of three members who shall be persons entitled to vote
 22 as provided in subsection ~~(h)~~ (g) and residents of a county in which the
 23 district or a portion thereof is located, or county adjoining a county in
 24 which such irrigation district or a portion thereof is located. Such members
 25 shall hold office for a period of ~~three~~ *two or four years such term of office,*
 26 *as established by the board of directors, by passage of a resolution,* and
 27 each shall serve until a successor has been elected and qualified. The
 28 members of the board of directors first elected after the creation of an
 29 irrigation district shall hold their respective offices until the next regular
 30 election for the election of directors as provided in subsection (e) or (f) of
 31 this section except that the terms of the three directors shall be as provided
 32 in subsection (e) of this section.

33 (b) The chief engineer of the division of water resources, after the
 34 incorporation of such irrigation district, shall establish and designate the
 35 polling place or places therein where the first election will be conducted
 36 and fix the time for such election within 60 days after the date of
 37 incorporation. In any irrigation district of more than 35,000 acres, the chief
 38 engineer of the division of water resources shall, prior to designating
 39 polling places, establish three voting areas within such district as equal as
 40 possible in acreage and shall designate the same as the first, second or
 41 third voting area. Such polling place or places may thereafter be changed
 42 by the board of directors, and the board may arrange for polling places
 43 outside the corporate boundaries of the district if such places are more

1 convenient than locations within the district. Prior to the holding of the
2 first election in newly created districts, the chief engineer of the division of
3 water resources shall appoint from the qualified electors of the district
4 three persons for such election for each voting place who shall constitute
5 boards of election for such district for such election. If the members
6 appointed do not attend at the opening of the polls on the day of election,
7 at the opening hour, the electors present at that hour shall elect from the
8 electors present members of the election board necessary to fill the place
9 of any absent member.

10 (c) The board of directors of every district of more than 35,000 acres
11 which was incorporated prior to the effective date of this act shall establish
12 three voting areas within the district as equal as possible in acreage and
13 designate the same as the first, second or third voting area. The board shall
14 also establish and designate the polling place or places within each voting
15 area. At the first election held after the effective date of this act, a director
16 shall be elected ~~from each voting area and the person receiving the highest~~
17 ~~number of votes shall serve for a term of three years, the person receiving~~
18 ~~the second highest number of votes shall serve for a term of two years, and~~
19 ~~the person receiving the third highest number of votes shall serve for a~~
20 ~~term of one year. At each subsequent election, only one director shall be~~
21 ~~elected each year for a term of three years. Any director elected under this~~
22 ~~provision must be a person entitled to vote as provided in subsection (h)~~
23 *for the term length established by the board.*

24 (d) (1) Except as provided in paragraph (2), all elections shall be
25 conducted in accordance with the general election laws of the state except
26 as otherwise provided in this act. Advance voting as provided in article 11
27 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto,
28 shall be provided for by the county election officers and boards of
29 directors for those persons entitled to vote under subsection ~~(h)~~ (g). The
30 forms for the ballot envelope declaration as provided in K.S.A. 25-1120,
31 and amendments thereto, and the applications for advance ballots as
32 provided in K.S.A. 25-1122d, and amendments thereto, shall be modified
33 to establish that such person is a qualified owner of irrigable land within
34 the district. After polls are closed the election boards shall proceed to
35 canvass the votes cast thereat, shall certify to the county election officer of
36 the county in which all or the greater part of the population of the
37 irrigation district is located and the chief engineer the result of such
38 election. The clerks shall then securely wrap the ballots cast at such
39 elections and shall express or mail the same by registered mail to the
40 county election officer of the county in which all or the greater part of the
41 population of the irrigation district is located. The county election officer
42 shall canvass the ballots, verify the results and declare the person receiving
43 the highest number of votes duly elected as director except that at the first

1 election after creation of a district the county election officer of the county
2 in which all or the greater part of the population of the irrigation district is
3 located shall declare the three persons receiving the highest number of
4 votes duly elected as directors except that in districts divided into three
5 voting areas, the person receiving the highest number of votes in each
6 voting area shall be duly elected as director. Such county election officer
7 shall immediately mail, to each person elected to the office of director a
8 certificate of election signed by such officer. The directors shall thereupon
9 qualify and enter upon the duties of their office. Directors shall qualify by
10 taking and subscribing to an oath of office of substantially the same tenor
11 as oath of office prescribed for county officials. Each member of the board
12 of directors shall execute an official bond in the sum of \$1,000 which oath
13 and bond shall be filed with the county election officer of the county in
14 which all or the greater part of the population of the irrigation district is
15 located. The treasurer of each irrigation district shall execute to the district
16 a corporate surety bond in an amount at least equal to 125% of the amount,
17 as near as can be ascertained, that shall be in such person's hands as
18 treasurer at any one time. The amount and sufficiency of the bond of the
19 treasurer shall be determined by the county election officer. Upon approval
20 of the bond, the county election officer shall endorse such approval
21 thereon and file the same in the office of the county election officer and
22 shall immediately notify the county treasurer of the county in which the
23 registered office of the irrigation district is located of such approval and
24 filing. In the event of the breach of any condition of the treasurer's bond,
25 the president and secretary of the board shall cause a suit to be commenced
26 thereon in the name of the irrigation district. It shall not be necessary to
27 include the treasurer as a party to the action and the money collected shall
28 be applied to the use of the district, as the same should have been applied
29 by the treasurer. Should the president and secretary neglect or refuse to
30 prosecute such a suit, then any person entitled to vote as provided in
31 subsection ~~(h)~~ (g) may cause such suit to be instituted. Premiums on surety
32 bonds for such directors and treasurers of irrigation districts shall be paid
33 by the district out of its general funds. In case the office of any director
34 shall become vacant the remaining members of the board shall fill the
35 vacancy by appointment. A director appointed to fill a vacancy shall serve
36 the unexpired term of the director whose term such person was appointed
37 to fill.

38 (2) For any election except the election required in subsection (b), the
39 board of directors may adopt a procedure providing for the election of
40 members by mail ballot. Such procedure shall require the board to mail
41 ballots to all persons entitled to vote, to receive and tabulate the ballots, to
42 canvass the election and to certify the results to the county election officer.
43 The irrigation district shall be responsible for the direct expenses of

1 conducting the election. The ballot envelope used for mailing ballots shall
2 contain a declaration establishing that the person who signs the declaration
3 is a qualified owner of irrigable land within the district.

4 (e) All regular elections of directors of irrigation districts shall be
5 held ~~the first Tuesday in March except as provided by subsection (g)~~
6 *Tuesday following the first Monday in November in odd-numbered years.*
7 Any districts organized after the regular ~~March~~ election shall hold its
8 election at the next regular ~~March~~ election following incorporation of the
9 district and, at this election three directors shall be elected and the person
10 receiving the highest number of votes shall serve for a term of three years,
11 the person receiving the second highest number of votes shall serve for a
12 term of two years, and the person receiving the third highest number of
13 votes shall serve for a term of one year. In case the first election after
14 creation of a district is held between June 1 of any year and the day
15 preceding the ~~first Tuesday in March~~ *following the first Monday in*
16 *November* of the next succeeding *odd-numbered* year, the next regular
17 ~~March~~ election shall be held in the second succeeding *odd-numbered* year.
18 At each subsequent regular election, only one director shall be elected
19 each year for a term of ~~three~~ *four* years. ~~All persons desiring to be voted~~
20 ~~upon as directors shall at least 30 days before the day of holding of the~~
21 ~~elections, file such person's name with the county election officer of the~~
22 ~~county in which all or the greater part of the population of the irrigation~~
23 ~~district is located, affixed to a statement that such person desires such~~
24 ~~person's name to be placed on the ticket as a candidate for member of~~
25 ~~board of directors of the district in such election~~ *Any person desiring to be*
26 *a candidate for election to the board of directors shall file a candidate's*
27 *declaration of intention with the county election officer of the county in*
28 *which all or the greater part of the population of the district is located.*
29 *Such candidate's filing shall utilize the procedures provided in K.S.A. 25-*
30 *205, and amendments thereto.* The county election officer shall ~~make up~~
31 ~~the ticket, at expense of the irrigation district~~ *prepare the ballot*, and place
32 the names thereon in alphabetical order and shall supply election officials
33 with necessary ballots and polling books at the irrigation district's expense.
34 ~~At least five days before any election held subsequent to first election of~~
35 ~~directors, the boards of directors shall name and appoint three persons for~~
36 ~~each voting place, who shall be qualified electors in the district.~~ At least
37 five days before any election, the county clerks of the various counties
38 within which a portion of the district is located, shall cause to be
39 ascertained the names of all persons entitled to vote as provided in
40 subsection ~~(h)~~ (g) and shall furnish lists thereof to each election board
41 within such county and to the secretary of the board of directors of the
42 district. Notice of the time and places of holding of the election, ~~signed by~~
43 ~~the president and attested by the secretary of the district shall be given in~~

1 ~~some newspaper or newspapers~~ *general election, shall be published by the*
2 *county election officer in a newspaper of general circulation in the district*
3 ~~for one issue at least five days prior to date of the election in accordance~~
4 *with K.S.A. 25-105, and amendments thereto. The return results* of all
5 special or bond elections shall be made *available* to the secretary of the
6 district, ~~and canvassed by the board of directors.~~ All expenses of election,
7 not otherwise provided for herein, shall be paid for out of the general
8 funds of the irrigation district. Election officials shall receive the same
9 compensation as provided under general election laws.

10 (f) In lieu of the election procedures provided in this section
11 pertaining to regular elections of directors in accordance with the general
12 election laws of the state, the board of directors of any irrigation district of
13 less than 35,000 acres in size may call an annual meeting of all persons
14 entitled to vote as provided in subsection ~~(h)~~ (g) for the purpose of electing
15 directors. Such annual meeting shall be held on the first Tuesday in March,
16 ~~except as provided by subsection (g).~~ Notice of the time and place of
17 holding said annual meeting shall be given in some newspaper or
18 newspapers of general circulation in the district for one issue at least 30
19 days prior to date of such meeting. Elections at the annual meeting shall be
20 by ballot, with absentee voting as provided under subsection (d) of this
21 section. All persons desiring to be voted upon as director shall at least 30
22 days before the day of holding the annual meeting file such person's name
23 with the secretary of the board of directors of the district, affixed to a
24 statement that such person desires such person's name to be placed on the
25 ballot as a candidate for member of board of directors of the district. The
26 board of directors shall appoint three owners of irrigable land in the
27 district to serve as an election board at the annual meeting. After the votes
28 are cast at the annual meeting the election board shall proceed to canvass
29 the votes and shall certify to the county election officer of the county in
30 which all or the greater part of the population of the irrigation district is
31 located and the chief engineer the result of such election. All provisions of
32 this section not inconsistent with the provisions of subsection (f) shall
33 apply to the election of directors at the annual meeting.

34 ~~(g) In any case where the time for any regular election of directors as~~
35 ~~described in subsection (c), or the election as described in subsection (f), is~~
36 ~~the same for any two districts having the same district manager, such~~
37 ~~election shall be held on the first Wednesday following the first Tuesday in~~
38 ~~March by the district organized latest in time.~~

39 ~~(h)~~ (g) Until such time as assessments are made in the district
40 pursuant to K.S.A. 42-715, and amendments thereto, those persons entitled
41 to vote shall be "qualified owners of land" within the irrigation district, as
42 such term is defined in K.S.A. 42-701, and amendments thereto, and who
43 are otherwise qualified electors.

1 After lands have been assessed in the district pursuant to K.S.A. 42-
 2 715, and amendments thereto, those persons entitled to vote shall be
 3 "qualified owners of land" within the irrigation district as such term is
 4 defined in K.S.A. 42-701, and amendments thereto, which has been
 5 assessed pursuant to K.S.A. 42-715, and amendments thereto, and who are
 6 otherwise qualified electors. For voting purposes, any person entitled to
 7 vote under this subsection who owns land in more than one voting area
 8 shall vote in the voting area which includes the greatest portion of such
 9 person's land. As used in this section, the term "qualified electors" shall
 10 include a person who is the legal qualified owner of irrigable land or a
 11 person, who is authorized, in writing, to vote for a trust, corporation,
 12 association or partnership which is the legal qualified owner of irrigable
 13 land. Such person is not required to be a resident of the district. Such trust,
 14 corporation, association or partnership shall be allowed only one vote. The
 15 person authorized by such entity to vote shall be someone who is not
 16 otherwise entitled to a vote under this section.

17 Sec. 57. K.S.A. 71-1408 is hereby amended to read as follows: 71-
 18 1408. Change of method of election in any community college district may
 19 be made in the manner provided in this act at any time during the period
 20 beginning on the first Wednesday in ~~April~~ *November* of each odd-
 21 numbered year and ending on the first Tuesday in ~~December~~ *June* of each
 22 even-numbered year, if such change is also approved in a manner
 23 authorized in this act before the end of such period. The new method of
 24 election in such district shall be followed in the election of trustees next
 25 following such change and shall continue in force until again changed in
 26 the manner provided in this act. Change of method of election shall not
 27 shorten the term of any trustee serving on the board at the time the change
 28 is made.

29 Sec. 58. K.S.A. 71-1412 is hereby amended to read as follows: 71-
 30 1412. Each member of the board of trustees of a community college shall
 31 be elected for a four-year term commencing on the ~~July 1~~ *second Monday*
 32 *in January* following election. Members shall serve until their successors
 33 are elected or appointed and qualified.

34 Sec. 59. K.S.A. 71-1413 is hereby amended to read as follows: 71-
 35 1413. (a) Elections of trustees of community colleges shall be conducted
 36 by the county election officer of the county in which the main campus of
 37 the college is located. In any college district having territory in more than
 38 one county, the county election officers of all such counties shall cooperate
 39 with the county election officer of the county in which the main campus is
 40 located, and upon establishing any new community college or adding
 41 territory to any of the community college districts, the state board, in
 42 accordance with this section, shall specify the county in which the main
 43 campus shall be located for the purpose of this section. General

1 community college elections shall be held on the ~~first Tuesday in April of~~
 2 ~~each odd-numbered year~~ following the first Monday in November of each
 3 ~~odd-numbered year.~~

4 (b) Any primary community college election shall be held on the
 5 ~~Tuesday preceding by five weeks the first Tuesday in April of odd-~~
 6 ~~numbered years~~ first Tuesday of August of each odd-numbered year in
 7 accordance with K.S.A. 25-202, and amendments thereto.

8 (c) Notice of the time and place of holding each primary and general
 9 election shall be published by the county election officer in a newspaper
 10 published in the county in accordance with K.S.A. 25-209, and
 11 amendments thereto, and K.S.A. 25-105, and amendments thereto.

12 Sec. 60. K.S.A. 71-1414 is hereby amended to read as follows: 71-
 13 1414. (a) (1) In college districts where a district method of election is in
 14 effect, a person may become a candidate for election to trustee of a
 15 community college by any one of the following methods:

16 (A) Any person who is an elector of any member district may petition
 17 to be a candidate for member from the member district in which such
 18 person resides. Any such person shall file with the election officer a
 19 petition for such person's candidacy signed by not less than 50 electors
 20 residing in such person's member district.

21 (B) Any person who is an elector of any member district may become
 22 a candidate for member from the member district in which such person
 23 resides by filing with the election officer a declaration of intent to be such
 24 a candidate, and payment therewith of a filing fee in the amount of ~~\$5~~ \$20.

25 (C) If a community college adopts and implements a seven member
 26 board of trustees plan, any person who is an elector of the college district
 27 may petition to be a candidate for the at-large member position. Any such
 28 person shall file with the county election officer a petition for such
 29 candidacy signed by not less than 50 electors residing in such college
 30 district.

31 (D) If a community college adopts and implements a seven member
 32 board of trustees plan, any person who is an elector of the college district
 33 may become a candidate for the at-large member position by filing with
 34 the county election officer a declaration of intent to be such a candidate,
 35 and payment therewith of a filing fee in the amount of ~~\$5~~ \$20.

36 (2) Every petition or declaration of intent filed under this subsection
 37 must specify the member position for which the person is a candidate.

38 (b) In college districts where the election-at-large method of election
 39 is in effect, a person may become a candidate for election to trustee of a
 40 community college by either one of the following methods:

41 (1) Any person who is an elector of the college district may petition
 42 to be a candidate for trustee. Any such person shall file with the election
 43 officer a petition for such person's candidacy signed by not less than 50

1 electors residing in the college district.

2 (2) Any person who is an elector of the college district may become a
3 candidate for trustee by filing with the election officer a declaration of
4 intent to be such a candidate, and payment therewith of a filing fee in the
5 amount of ~~\$5~~ \$20.

6 (c) Every petition or declaration of intent filed under this section must
7 be filed on or before ~~12 o'clock~~ 12 noon on the Tuesday which precedes by
8 ~~10 weeks the first Tuesday in April of any odd-numbered year. No such~~
9 ~~petition or declaration shall be filed sooner than the second Tuesday of the~~
10 ~~December which next precedes the community college election June 1 of~~
11 ~~each odd-numbered year as provided in K.S.A. 25-205, and amendments~~
12 ~~thereto.~~

13 Sec. 61. K.S.A. 71-1419 is hereby amended to read as follows: 71-
14 1419. (a) ~~The election of trustees of community colleges shall be~~
15 ~~nonpartisan and laws applicable only to partisan elections shall not apply~~
16 ~~in such elections. All laws applicable to elections, the violation of which is~~
17 ~~a crime, shall be applicable to election of trustees of community colleges.~~

18 (b) ~~Except as is provided in (a) above, laws applicable to local~~
19 ~~elections, including voter registration laws, occurring at the same time as~~
20 ~~election of trustees shall apply to the election of trustees to the extent that~~
21 ~~the same are not in conflict with the provisions of this act. The provisions~~
22 ~~of this subsection (b) shall not apply to election notices.~~

23 (c) ~~Ballots for election of trustees shall be canvassed by the members~~
24 ~~of election boards canvassing ballots in other local elections insofar as is~~
25 ~~practicable, and where it is not practicable, the county election officer shall~~
26 ~~provide for such canvass by other appropriate means.~~

27 Sec. 62. K.S.A. 72-8008 is hereby amended to read as follows: 72-
28 8008. Change of method of election or voting plan or both in any school
29 district may be made in the manner provided in this act at any time during
30 the period beginning on the first Wednesday in ~~April~~ November of each
31 ~~odd-numbered~~ even-numbered year and ending on the first Tuesday in
32 ~~December~~ June of each ~~even-numbered~~ odd-numbered year, if such
33 change is also approved in a manner authorized in this act before the end
34 of such period. The new method of election and voting plan in such school
35 district shall be followed in the election of members next following such
36 change and shall continue in force until again changed in the manner
37 provided in this act. Change of method of election or voting plan shall not
38 shorten the term of any member serving on the board at the time the
39 change is made, and the county election officer shall not submit to election
40 any plan of change which violates this prohibition.

41 Sec. 63. K.S.A. 80-2508 is hereby amended to read as follows: 80-
42 2508. (a) Subject to the limitations provided in this act, any of the four
43 methods described in this section may be used in the selection of members

1 of boards. The four methods are:

2 (1) Elections of board members shall be held at the annual meeting of
3 the qualified electors of the hospital district for the positions on the board
4 which are to expire in such year.

5 (2) Board members shall be appointed by the governing bodies of the
6 political subdivisions joining in the operation and maintenance of the
7 hospital.

8 (3) (A) Elections of board members for ~~three-year~~ *four-year* terms
9 shall be held on the ~~first Tuesday in April~~ *succeeding the first Monday in*
10 *November of odd-numbered years* of each year for the positions on the
11 board which are to expire in such year. All positions shall be at-large. Each
12 board member shall take office on the ~~May 1~~ *second Monday in January*
13 following the date of election.

14 (B) Any person desiring to become a candidate for board member
15 shall file with the county election officer of the county in which the
16 political subdivisions joining in the operation and maintenance of the
17 hospital, or the greater portion of the area thereof, are located, before the
18 filing deadline specified in K.S.A. 25-2109, and amendments thereto,
19 either a petition signed by not less than 50 electors eligible to vote for a
20 candidate or a declaration of intent to become a candidate together with a
21 filing fee in the amount of ~~\$10~~ *\$20*.

22 (C) The county election officer of the county specified in paragraph
23 (B) shall prepare the ballots for such election including ballots for that
24 portion of the district located in any other county. The county election
25 officers of each county shall conduct the election in their respective
26 counties, and the board of county canvassers of each such county shall
27 certify the results of the votes cast in its county to the board of county
28 canvassers in the county in which the ballots for the election were
29 prepared.

30 (D) Ballots shall be prepared in such manner that each voter is
31 instructed to vote for the same number of candidates as the number of
32 positions to be filled. Such instruction shall specify that the voter may vote
33 for fewer than the total number of candidates for which the voter is
34 qualified to vote.

35 ~~(E) Where not in conflict with this provision of this subsection, the~~
36 ~~laws applicable to the election of city officers shall apply to the election of~~
37 ~~members of the board.~~

38 (4) (A) Elections of board members for four-year terms shall be held
39 on the ~~first Tuesday~~ *succeeding the first Monday in* ~~April~~ *November* of
40 each *odd-numbered* year for the positions on the board which are to expire
41 in such year. All positions shall be at-large. Each board member shall take
42 office on the ~~May 1~~ *following the date of election* ~~second Monday in~~
43 *January*.

1 (B) Any person desiring to become a candidate for board member
2 shall file with the county election officer of the county in which the
3 political subdivisions joining in the operation and maintenance of the
4 hospital, or the greater portion of the area thereof, are located, before the
5 filing deadline specified in K.S.A. 25-2109, and amendments thereto,
6 either a petition signed by not less than 50 electors eligible to vote for a
7 candidate or a declaration of intent to become a candidate together with a
8 filing fee in the amount of ~~\$10~~ \$20.

9 (C) The county election officer of the county specified in paragraph
10 (B) shall prepare the ballots for such election including ballots for that
11 portion of the district located in any other county. The county election
12 officers of each county shall conduct the election in their respective
13 counties, and the board of county canvassers of each such county shall
14 certify the results of the votes cast in its county to the board of county
15 canvassers in the county in which the ballots for the election were
16 prepared.

17 (D) Ballots shall be prepared in such manner that each voter is
18 instructed to vote for the same number of candidates as the number of
19 positions to be filled. Such instruction shall specify that the voter may vote
20 for fewer than the total number of candidates for which the voter is
21 qualified to vote.

22 ~~(E) Where not in conflict with this provision of this subsection, the~~
23 ~~laws applicable to the election of city officers shall apply to the election of~~
24 ~~members of the board.~~

25 (b) If the method of selection of members of the board of any hospital
26 is the method provided for in ~~provision (1) or provision (2) of subsection~~
27 ~~(a)(1) or (2)~~, such method of selection may be changed to the method
28 provided for in ~~provision (3) or provision (4) of subsection (a)(3) or (4)~~ by
29 majority vote of the qualified electors voting at an annual meeting thereof.
30 Whenever the method of selection of members of a board is changed to the
31 method provided for in ~~provision (3) or provision (4) of subsection (a)(3)~~
32 ~~or (4)~~, the term of each member serving on the board at the time of the
33 change of method of selection shall expire on May 1 of the year in which
34 the term of such member is to expire, except that for the purpose of
35 electing members to the board at a time to coincide with elections for other
36 purposes, the board may extend the term of any member for not to exceed
37 one year from the date such member's term would otherwise expire and the
38 board of Sublette hospital district may change prior to the election the
39 length of term for one member to be elected at the 1997 election from four
40 years to two years. If the members of the board are currently selected
41 pursuant to ~~provision (3) of subsection (a)(3)~~, the method of selection may
42 be changed to the method provided for in ~~provision (4) of subsection (a)~~
43 ~~(4)~~ by a majority vote of the board members.

1 Sec. 64. K.S.A. 2-623, 12-344, 12-1001, 12-1002, 12-1003, 12-1004,
2 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f,
3 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007,
4 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-
5 1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023,
6 12-1024, 12-1025, 12-1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-
7 1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b,
8 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037,
9 12-1038, 13-1220, 13-1221, 19-2680, 19-2760, 19-2762, 19-3505, 19-
10 3507, 24-504, 25-202, 25-209, 25-210, 25-212, 25-610, 25-1115, 25-2006,
11 25-2007, 25-2010, 25-2014, 25-2017, 25-2018, 25-2022, 25-2023, 25-
12 2107, 25-2109, 25-2113, 25-2115, 25-2120, 25-2502, 25-2804, 25-3503,
13 42-706, 71-1408, 71-1412, 71-1413, 71-1414, 71-1417, 71-1419, 72-8008
14 and 80-2508 and K.S.A. 2014 Supp. 2-624, 13-363, 24-412, 24-414, 24-
15 459, 24-506, 25-205, 25-213, 25-611, 25-618, 25-1122, 25-2020, 25-2102,
16 25-2108a, 25-2110, 25-2311, 25-3801 and 42-706 are hereby repealed.

17 Sec. 65. This act shall take effect and be in force from and after its
18 publication in the statute book.